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THE INNER HISTORY OF THE GREAT SCHISM OF THE WEST

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THE INNER HISTORY OF THE GREAT SCHISM OF THE WEST

A Problem in Church Unity

by

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PREFACE

NEARLY ten years ago a small book appeared in which special attention was drawn to the period known as "The Great Schism of the West".[1] Lambeth had issued its *Appeal to all Christian People*, and critics were busy attacking the fundamental principles involved in that appeal. With remarkable insight Canon T. A. Lacey justified the action of Lambeth by reference to the above period as "a striking example of the way in which remedies are found for an apparently desperate condition of the Church"—"a movement of the Spirit driving men to concord". He expressed his opinion that Lambeth, 1920, experienced a similar movement of the Spirit.

In July 1930 Lambeth will meet again to consider the great response awakened in the mind of Christendom by that Appeal, and notably the concrete Proposals for Reunion in South India. Meanwhile it is instructive to examine the process of thought which led to the Reunion of the Western Church in that great epoch to which Canon Lacey has summoned us.

The period has been studied many times before. It may even be considered a bold thing to undertake what Creighton on the one hand and Salembier on the other have done so thoroughly. Creighton, however, wrote the history of the Papacy, and was not solely interested in the Reunion problem. Nor was his cold historical method, satisfactory and convincing in works on other less soul-stirring epochs, adequate for a description of the spiritual struggle of those times. He did not penetrate the deep recesses of human thought and motive.

Salembier felt the reality of the problem with a passionate interest and a sympathy uncommon in Roman Catholic

[1] *The Universal Church—a Study in the Lambeth Call to Union*, by Canon T. A. Lacey. (Mowbray.)

historians, but he could not accept the main tenet of Jean Charlier de Gerson, Pierre d'Ailly, and their fellow-workers. He would not admit with them that "new diseases need new medicines", and steadily refused to accept their teaching on 'epieikeia' which was put into practice at Pisa.

In spite of Valois's excellent work in French and Schwab's brilliant biography of Gerson in German, there does not appear to be a work which describes the period from our present and urgent point of view to-day as a process of thought from Schism to Union.

The events of the period are important, but the sequence of thought behind them, the mental suffering of the faithful and the bold departure from precedent in the face of an entirely new problem, take us deep down into the very heart of the age. We must listen to those who trembled in bitter doubt before an unprecedented problem, and who fought with splendid courage to bring unity to a divided Christendom. We must plunge deep into the human documents of the time, in order to see how every avenue of escape was tried, until courage triumphed over fear, and present need over precedent, in a bold solution to an entirely novel problem.

I owe a great deal to Dr. Ernest Barker for giving me advice and encouragement in the early stages of this book; and to Canon T. A. Lacey for a very thorough reading and criticism of the completed MS.

I should like also to thank my lay colleague, Mr. F. R. Pearson, B.A., the author of a very useful book on Yorkshire, for correcting the MS., and C.L.B. Lieut. J. Hinchliffe for considerable assistance with the typescript.

Ash Wednesday
1930

THE INNER HISTORY OF THE GREAT SCHISM OF THE WEST

CHAPTER I

THE ORIGIN OF THE SCHISM

It was the Cardinals at Rome in 1378 who laid the foundation of the movement which culminated in the religious revolt of the sixteenth century.

Lane-Poole, *Wycliffe and Movements for Reform*, p. 127.

The really culpable were the Cardinals . . . and next the Pope whom they had created.

Salembier, *The Great Schism of the West*, p. 65.

When Clement V left Rome for Lyons, and ultimately for Avignon in 1305, he did incalculable damage to the Papacy. No doubt he had a difficult task against the nobles of Italy and the people of Rome, but his predecessors would have faced it with more determined courage and resolution. He looked for peace and hoped to find it on the banks of the Rhone, where Avignon, the property of the Popes, was at his disposal.

To leave Rome, however, was to lose all that the Eternal City signified. Rome was the acknowledged centre of the spiritual Commonwealth, endeared to every member of the Church by its sacred associations with the Apostolic Martyrs, whose tombs were the outward and visible sign of that spirit of heroic self-sacrifice which turned the pagan world upside down. Such associations gave the Papacy an independence unattainable elsewhere—an eternal significance outside the realms of time and space, attracting and commanding the loyalty of all Christendom.

Residence at Avignon was unfortunate for the Papacy in

another way. The nations were rapidly growing into adolescence with its period of national storm and stress. Suspicion of French influence developed throughout Europe. Without being prejudiced by the overstatements of German, Italian, and English chroniclers of the day, we are bound to observe the pro-French policy of the Avignon Popes. The College of Cardinals was largely made up of Frenchmen, among whom were Chancellors, Counsellors, and Ministers of State. The high towers of Villeneuve overshadowed the Palace des Doms at Avignon. The Universal Father was the subject of one of his children. Although the seven Popes who occupied the Papal Chair under these conditions were all men of ability, they were unable to retain the allegiance of the enemies of France, or to command the respect of Christendom. Petrarch was not far wrong when he described their rule of the Church as "the Babylonish Captivity" (1305–78).

The Catholic claims of the Papacy were therefore imperilled by the long captivity at Avignon. Urban V made a serious attempt to reach the Tiber in 1367, but found Italy intolerable and his Cardinals obdurate, so that he had to return three years afterwards (1370). Gregory XI had grievous fears of losing Italy altogether. It was only the inspiration of Catherine of Siena, in her crusade for reforming the Church *infino alle fondamenta*, which prevented him from renouncing his secret vow made at his election of restoring the Papacy to Rome.

> Clothed with calm love and clear desire,
> She went forth in her soul's attire,
> A missive fire.[1]

Gregory reached Rome, but only to die.

On April 7, 1378, the Cardinals entered Conclave. The populace was naturally excited, as there had been no Conclave in Rome for well over half a century. Crowds gathered

[1] Swinburne, *Songs before Sunrise*, p. 162.

round the Vatican shouting "Romano lo volemo, o, almeno, italiano" ("We want a Roman, or, at least, an Italian"). The voting fell in favour of Bartolemmeo Prignano, Archbishop of Bari, a man of humble origin, who took the title of Urban VI. He was crowned on Easter Sunday, April 18, 1378.

Within six months a great revolution took place. In May the Cardinals complained of the heat of Rome, and asked permission to reside at Anagni. In August they published their famous "Declaratio", in which the election of Urban was declared null. On August 29th they left Anagni for Fondi, and on September 20th a new Pope was elected in the person of Robert of Geneva, who styled himself Clement VII. The new Pope wandered round Italy for a year in search of universal acceptance. But Italy refused him. In bitter disappointment he sailed with his Cardinals for Marseilles, and reached Avignon on June 20, 1379.

In this way the most thought-provoking event in the history of the Church between the Great Schism of the East and West and the Reformation was produced. It came about silently and suddenly, but plunged the Church into a long and continuous mental conflict for nearly half a century.

Before we discuss the nature of this conflict it is necessary to face the much-debated question as to the proximate cause of the outbreak of Schism. The evidence, carefully collected and analysed by several scholars, points to a very definite conclusion.

Bishop Creighton has divided the documents at our disposal into five groups[1]: The statements of eyewitnesses of the election of Urban VI; the Declaration of the Cardinals to justify their new Election; the counter-statements of Urban VI; the summaries of evidence by jurists to whom the matter was submitted for their opinion; and Declarations made afterwards by Cardinals on their death-deds.

[1] Creighton, i. 363–4.

If these five groups included all the evidence that we have the description of Schwab would be perfectly true. "There is scarcely anywhere", he says, "in the history of the Church another event with such a volume of contradictory evidence —promises on oath by the chief dignitaries of the Church, legal documents, reports of eyewitnesses, juridical deductions, appeals both to the Roman clergy and people. Even the statements of the dying stood out in open contradiction to each other, not to mention the revelations and wonders to which people appealed for contradictory views." [1] But we must read this evidence in the light of the whole literature of the period, and we shall discover illuminating passages, uttered in sermon and speech, or hidden away in the heart of a deep treatise, which will guide us by their very *naïveté* to a just estimate of the truth.

At least five causes are set down as responsible for the Schism: Human frailty in all its forms is a general cause set down by almost every writer of the day; the people of Rome were also blamed; the King of France was held responsible in some quarters; Urban VI was suspected, especially by French writers; and the Cardinals were held culpable by those outside France and by the unprejudiced judgment of later historians. Let us deal with these assumed causes consecutively.

Pious souls have always been prone to cite human frailty as the fundamental cause of every crisis in the Church. Gerson preached this doctrine before the Princes and Dukes assembled in Notre-Dame, Paris, when he stood like a prophet before the congregation and said, "Causa dolorosi huius et infortunati schismatis est morum corruptio in populo Christiano." He urged the need of Mercy, Truth, and Justice, and the application of spiritual remedies for spiritual diseases. "My Lord Bishop of Paris, the Dean and Chapter of the Church of Our Lady, have already

[1] Schwab, p. 98.

begun themselves . . . with fasts and Processions and other forms of Prayer and religious devotion."[1] Jean de Varennes, in a letter to Pope Benedict, opens with a pregnant sentence bearing on the same topic: "First we must consider whence came the outbreak of this schism. Little children could reply intelligently, though struggling to utter it, that it sprang from the sins common alike to Ecclesiastics, Lords, and People."[2] There are numerous similar passages elsewhere which echo these pious sentiments, but they do not bring us any nearer the more immediate cause of the cataclysm.

The people of Rome are subject to considerable censure by contemporary writers. It was no new thing for a Pope to come to blows with the civilian population. St. Bernard once spoke of the "arrogance and pride of the Romans", and only two years before the Schism the author of the *Somnium Viridarii* had gone so far as to blame them for driving the Papacy to Avignon. "Nine times the Popes have been driven from the Eternal City; nine times our kings (of France) have restored them. France is the refuge of Popes; Rome is their ruin."[3]

When Gregory XI died immediately after his triumphal entry into the Eternal City there was profound consternation. For seventy years France had been receiving the gold which ought to have come to Rome. The Churches had been reduced to poverty and ruin. The hope of a revived glory radiating from the Vatican had seized the imagination of the

[1] du Pin, iv. 628. Dominus meus episcopus Parisiensis, Decanus, et Capitulum Matris Ecclesiae Nostrae Dominae, jam pridem inter eos inchoarunt . . . tam jejunia, quam Processiones et alia orationis, devotaeque religionis opera.

[2] *Ibid.*, *Epist. ad Bened. Papam XIII de tollendo Schismate*, ii. 856. Primo examinandum unde pestiferi huius schismatis emanavit exordium, ad quod plane infantuli respondere possent, fari vix gestientes, quod propter peccata communia Ecclesiasticorum, Magnatium et Popularium.

[3] Goldast, i. 252.

populace. It was therefore a serious civic question whether the new Pope was a foreigner or an Italian. The shouts of twenty thousand people massed in the Piazza of St. Peter were an ominous indication of the seriousness of that question.

But it is for those who blame the people of Rome for the Schism to prove that these shouts led to coercion within the Conclave itself. Was the election of Urban VI forced or free?—"this is the cardinal question in this difficult investigation".[1] All the evidence admits the presence of crowds of interested citizens. But was there ever a Conclave without a crowd outside its walls? All the evidence, too, supports the fact that an urgent request was made for a native Pope. But it is significant that eyewitnesses of the election treat the request as a pious wish, while later writers, and especially those of the Avignon Obedience, treat it as a menace and a threat. One party describes it as spontaneous and free; the other as forced and void.

The accounts of two eyewitnesses are particularly interesting in this connection. One because he was not disposed to be friendly to a Pope whose anger on one occasion was so vehement that his "voice was hoarse, his throat inflamed to suffocation, and his eyes bright like flashes of lightning";[2] the other because, being a Cardinal, he voices the opinion of his colleagues.

Dietrich of Niem knew Urban before his election to be a "humble, devoted, disinterested, vigilant, hard-working man, an enemy of Simony and Simoniacs".[3] He was so poor that he "had not even a house of his own". Before the Conclave he begged the Cardinals to have nothing in view but the glory of God and a just election; he said Mass every day

[1] Schwab, p. 98. Dieses ist der Cardinalpunkt in dieser schwierigen Untersuchung.
[2] du Pin, *De Schismate*, i. 45.
[3] The evidence is well summarized in Lenfant, i. 6 ff.

during the Conclave with a special intention for the Holy Spirit's blessing on the election. Dietrich declares that there was no compulsion nor tumult of any kind; everything passed off freely and unanimously. The only untoward event was a verbal misunderstanding by the people. They thought that Jean de Barre, a Frenchman, had been elected, owing to the similarity of his name with the Archiepiscopate of Bari, which Urban had occupied before his election. The mistake, however, was only momentary, and was so fully and completely rectified that all the Cardinals were present at the coronation or enthronement of the new Pope.

According to Jacques de Sève the Conclave was so well guarded that there could be no shadow of violence at the election. There were two parties, it is true, among the Cardinals, each seeking its own nominee, but they came to terms in the election of Urban, an election which de Sève, in unmistakable language, declares to have been "free, real, unanimous, and without pretence".

With these contemporary accounts we may well compare the later account of Baluze in the *Secunda vita Gregorii XI.* It is so obviously coloured by prejudice that the least cautious student of documentary evidence could hardly be deceived by its statements. The Conclave is in panic; the mob is infuriated; armed men enter and search every corner of the Conclave building. The Cardinals tremble with fear, while the French Cardinals are so alarmed that they send the Cardinal of St. Peter's to act as peacemaker. When he appears at a window the people assume that he has been elected Pope, and shout throughout the city, "The Cardinal of St. Peter's is Pope—Long live St. Peter!" Impatient at the long delay of the Conclave, they overpower the guard and scatter the Cardinals in all directions, some to their houses, some to the country, and some to the Castle of St. Angelo. The unfortunate Cardinal of St. Peter's is captured and enthroned by the people on the altar, vainly

asserting that he is not Pope. The Cardinals who remain in the city reassemble on August 9th and elect the Archbishop of Bari. Under these circumstances we cannot wonder that they "sang the *Te Deum* very sadly".[1]

The difference between these various accounts is fundamental. Passion alone could produce one so obviously coloured as the last. There is scarcely a fact in it which carries conviction. What constraint could there be on Cardinals who had troops at their disposal within easy reach of the Conclave? Peace and order were well maintained by the Bannerets, the normal police authority in the city of Rome, whilst mounted men rode the streets, and the awesome executioner stood with his weapons of vengeance on the Piazza to warn the unruly.

If the compulsion on the Cardinals was so great, it is remarkable that the new Pope was not a Roman. In fact, the choice of the Archbishop of Bari seems to have been expected months before the election, and not to have been extorted at the moment. He was, in fact, a marked man. Even Robert of Geneva, his rival, is reported to have said before the election: "This time we will have an Italian—by these holy Gospels the Archbishop of Bari shall be our Pope."[2]

The Cardinals belie themselves. Writing to their fellow-Cardinals at Avignon, they describe the election in the following terms: "On the 6th of April we resolved according to the ancient Canons to enter Conclave the next day. We entered therefore on the 7th of April, after asking for the Holy Spirit's guidance, to elect another Pope. The following day, as we piously believe by the light of the rays of the Sun which never sets, about the same hour as the Holy Paraclete descended on the Apostles, we elected him (the Archbishop of Bari) by a unanimous, free, and united vote, and as such we announced the result to a vast concourse of

[1] Lenfant, i. 10.

[2] *Ibid.*

Christian people."[1] The new Pope was enthroned on Easter Day, April 18, 1378. Cardinals and people were united on that occasion, and Cardinal Orsini, the only Cardinal who refused to vote for Bari, was chosen to place the tiara on the Papal head. The Cardinals were convinced that the election of Urban VI was free and valid. Perhaps the most conclusive statement by a contemporary in support of this fact was made in 1381 by the author of the *Consilium Pacis*: "The Cardinals remained peacefully for three months with the first elected, namely, Urban VI, and declared in word and deed that he was Pope; they also showed in their letters to the Princes that they had chosen a most saintly man for Pope."[2]

It seems obvious, therefore, that the election of Urban was not forced upon the College of Cardinals by a threatening mob. It was free, unanimous, and valid. The cause of the Schism must be sought elsewhere.

Was the King of France to blame? It was generally felt in Europe that Charles V would use his influence to restore the Papacy to Avignon, and a curious story was current in the next century to the effect that before Robert of Geneva was elected by the recalcitrant Cardinals a letter was despatched to the King of France stating that "if it pleased him, seeing that he had no wife, they wanted to make him Pope".[3] Several writers emphasize the fact that Robert of Geneva was a relative of Charles V—"a blood relation of the King of France and in the lineage of many

[1] Lenfant, i. 22–3.

[2] du Pin, ii. 824. [Cf. d'Ailly, du Pin, ii. 907. Una causa praesentis Schismatis, fuit quod Cardinales nimis tardaverint declarare . . . quod primum electionem fecissent vi et metu.] Cardinales cum primo electo, scilicet Urbano VI per tres menses pacificè steterunt, et factis, verbis, ipsum Papam declaraverunt, et literis Principibus significaverunt, se virum sanctum et optimum in Papam eligisse.

[3] Martène, *Anecd.* ii. 1174. Dicentes quod si placebat sibi, ex quo non habebat uxorem ipsi volebant eum eligere in Papam.

French Lords".[1] Such suggestions certainly indicate the existence of definite influence, if not actual interference, on the part of France in the election of the rival Pope.

The evidence, however, is not conclusive. According to Valois, who has examined it fully, the Cardinals at Fondi informed Charles that they had been coerced to elect Urban, and the King replied on September 18, 1378, expressing a hope that they would elect a Pope favourable to France. But there is no actual evidence to support his interference in the first or second election. "Whatever we may say the great cleavage which for forty years split Christendom was not the direct result of the Mésalliance which the Holy See had contracted with the French kingdom."[2] This may be a true judgment. Charles did not make the Schism, but he was the only influential person in Europe who could have stemmed it at the source; and when he recognized Robert of Geneva as Clement VII he changed the Schism from an event to a movement. Of course he was in an unfortunate position. The University of Paris had made its decision on May 22, 1379, after a long and intense investigation. It ran as follows: "After mature deliberation and sufficient and accurate information, both of law and of fact, we have agreed . . . to recognize the Pontificate of the Most Holy Father in Christ Our Lord Clement by divine Providence the seventh."[3] This conclusion was not reached without much opposition, but it was sufficient for Robert of Geneva to gain the recognition of Charles when he reached Avignon on June 30, 1379. The King of France was not responsible for the Schism; he was its most powerful support when it had begun.

What, then, had Urban VI to do with the outbreak of Schism? There is no gainsaying the fact that his character changed after his election. "Rarely do the Lord Popes

[1] Walsingham, i. 382. Qui ipsi rancorum Regi et pluribus ex Franciae magnatibus linea consanguinitatis erat junctus.

[2] Valois, Preface.

[3] Bulaeus, iv. 566.

improve in character after their election to the Papacy."[1] said Gerson. "So harsh and cruel was our Lord Pope after his enthronement," wrote another of Urban, "but nobody can tell the cause, seeing that he was very humble, gentle, and kind before his election."[2] The Cardinals, indeed, thought him irritating and overbearing. A strange scene is recorded in which the Pope called Cardinal Orsini a fool. The Cardinal Bishop of Amiens retorted, "with his finger pointed at the Lord Pope . . . You are a Liar".[3] Urban VI seems to have been unhappy in circumstances over which he had little control. He might have been a great Pope under more suitable conditions. But Rome was in poverty; and life there was far different from what it had been at Avignon. There was a programme of reconstruction ahead, for which he was temperamentally unsuited. He "knew nothing of the many steps to be taken between good intentions and their practical execution."[4] "He would have been the worthiest man in the world to be Pope if he had never been one."[5] The saintly Catherine of Siena had to reprove him. "Holy Father," she said, "you should be glad to find someone who helps you to see and avoid such things as might lead to your degradation and the loss of souls; for the love of Jesus crucified, mitigate a little the sudden outbursts to which your disposition gives rise; by all holy virtues check your natural temper."[6] Urban refused to take this good advice, and the resentment of the Cardinals reached a crisis. Robert of Geneva made an ominous remark when he said to the

[1] du Pin, *De Restit. Obed.*, ii. 33. Raro enim electorun dominorum mores mutantur in meliores.

[2] Murat, *Script.*, iii. bk. 2, 725. Talis fuit dominus noster post coronationem suam asper et rigorosus nescitur tamen utrum ex divina voluntate vel unde hoc processerit, quum ante creationem suam fuerat multum humilis, amabilis, benignus.

[3] Walsingham, i. 381. Extento digito domino Papae haec verba furiose respondit Tu inquit . . . mentiris.

[4] Creighton, i. 67.

[5] Dietrich of Niem, *De Schismate*, i. 1.

[6] *Ibid.*

Pope: "You have not treated us with the honour due to us as your predecessors used to, and you are lessening our dignity. I tell you truly that the Cardinals on their side will try to lessen your dignity also."[1]

The character of Urban reveals itself more clearly after the outbreak of the Schism. He took refuge with his nephew Butillo in Nocera Castle, and there began to assume the air of a typical mediaeval Pontiff. He bestrode Italy like a Colossus. Imagining that he was an Innocent III or a Gregory the Great, he invested his nephew with Capua, Amalfi, Nocera, and other places. But when he began to interfere in the financial affairs of the Italian Princes, Charles of Naples retaliated with vigour, offering one thousand florins for the Pope dead or alive. Events having settled down again, Urban turned his attentions to his own entourage. At Nocera he put his newly appointed Cardinals to terrible tortures. When some of them grew tired of his tyranny and consulted a lawyer of Piacenza regarding the legality of a Council acting apart from the Pope, he became furious. Betrayed by a fellow-Cardinal, six of the more rebellious were put into a dungeon, in spite of the earnest appeals of Dietrich of Niem, the Papal secretary. Reptiles were cast among them, and tortures were applied while the Pope enjoyed his Breviary. At Genoa five Cardinals were put to death; the sixth, an Englishman named Adam Easton, was saved by the pleading of the English Benedictines. "At the feet of Your Holiness", they wrote, "and prostrate in reverence we implore grace and mercy on behalf of Lord Adam Easton"[2] (gratiam et misericordiam pro domino Adam de Eston).

The tyrant died on October 15, 1389, after "one of the most disastrous pontificates in the whole history of the Papacy".[3] He was certainly implicated in the origin of the

[1] Creighton, i. 68.
[2] *Historical Papers and Letters from the Northern Registers*, pp. 423–4.
[3] Creighton, i. 104.

Schism, but how far we shall not be able to estimate until we have considered the position of the Cardinals who came over from Avignon with Gregory and made up the first papal College on the return to the Eternal City.

The temperament of Urban does not explain the suddenness of the outbreak of the Schism. A Pope, with all the authority which his office gave him, and a record for kindness and humility behind him, could not have alienated his College in less than three months (from April to September 1378). A pamphlet war was indeed well on its way when the Cardinals arrived at Anagni in May; so that in one month they had reached conclusions quite contradictory to the statements which they had issued to the crowned heads of Europe. They wrote privately to the Pope that the Election was forced. They had expected him to be a Christian and to abdicate when he knew that he was elected under threat. They pretended to be shocked at his ambition in allowing himself to be crowned Pope at Rome, and denounced him roundly as "Apostate", "Antichrist", "Excommunicate", "Usurper", demanding that he should quit his post and leave the See vacant.

It was only when the Cardinals and Urban failed to reach an understanding that the quarrel became world-wide. In August the Powers and Universities of Europe were informed. The letter to the University of Paris is extant, and is dated August 21, 1378. It is a direct contradiction of the statement made by the Cardinals less than five months before. "We have let you know", they write, "of the awful fury, cruel tyranny, the unbridled action and sacrilege of the people of Rome against our goods and persons when we were occupied with the Election of the Pope, who was chosen by force according to their fancy. It is because of this bold malice that the See of St. Peter is occupied by an Apostate who spreads erroneous dogmas which destroy all truth." [1]

[1] Lenfant, i. 25.

Urban was in no mood for reconciliation. He drove the Cardinals to exasperation by the appointment of twenty-eight new Cardinals on September 18, 1378, and when the old Cardinals in retaliation moved from Anagni to Fondi under the protection of Count Gaetani, a bitter enemy of Urban, there appeared to be no way out of the impasse. There were two colleges, one of them headless; and it only remained for the rejected Cardinals to elect a new Pope. On September 20th Robert of Geneva was elected, and the Schism was established.

Thus the proximate cause of the Schism was the quarrel between Urban and his Cardinals. What that quarrel was is difficult to determine exactly. The circumstances in Rome were trying; only a Pope and College willing to make great sacrifices could have faced the situation with equanimity. It seems as though Urban attempted to meet his difficulties in a spirit of strictness repugnant to the Cardinals. The English Chronicler was a strong Urbanist, but he may be right when he says that the Pope "wanted the Cardinals to put away their great pomp and live with moderate household comforts and moderation in food and drink," [1] and that he disapproved "of the avarice of the Cardinals, corrupted as they were by yellow gold and blinded by money".[2] Naturally under such circumstances the Cardinals looked back to Avignon with longing eyes. Their early alienation from the Pope, added to these considerations, seems to point conclusively to the fact that they took the first step. Guilty of selfishness in not seeking to help Urban in his fight with adverse conditions, they were violently guilty of perjury in declaring the first election valid, and then repudiating it in a few months; and they took the first step which led directly

[1] *App. Ply.*, 397. Voluisset quod Cardinales sui suas magnas pompas dimisissent et cum moderata familia, ac cibis et potibus moderatis vixissent.

[2] Walsingham, i. 380. Coepit . . . disputare contra cardinalium avaritiam qui, fulvo corrupti metallo, aut exaecati pecunia.

to the Schism—the appointment of one of their number as Antipope.[1]

The reason for the continuance of the Schism through forty bitter years is another matter. The King and Princes of France cannot escape responsibility for extending a movement which they could have nipped in the bud. Their exclusively national policy set free the violent forces which were waiting to explode in every nation of Europe when they took sides with one Pope or the other, and in that way added fuel to the conflagration, lighted by the Cardinals and fanned into flame by Urban. A preliminary description of the damage what was done may be taken from Salembier's severe castigation of the Cardinals:

"If only they could have foreseen how divided Christendom would be, how many consciences would be scandalized and souls tortured with doubt in all parts of the Catholic universe; if only they could have taken count of the progress of heresy in England and of its propagation in Bohemia; or had it been permitted them to hear the mockery and insults of the enemies of our faith. Or if, again, they could only have been forewarned that this sacrilegious division would last forty years, lowering the supreme pontificate in the eyes of the faithful and princes, adjourning indefinitely all plans of reform and giving rise to every kind of religious and secular evil. Then doubtless they would have shrunk from the fatal consequences of actions as thoughtless as they were unjust. For the third time, had they thought it necessary they would have elected Urban, or they would have shown more patience in enduring the consequences of their first choice, of which they alone were the authors." [2]

[1] For another cause see d'Ailly, du Pin, ii. 906. Abusus, a quo praesens Schisma originem traxit, scilicet quod una Natio, sive Regnum, aliquando ultra, aliquando citra montes, in scandalum residuae Christianitatis, ita diù Papatum tenuit.

[2] Salembier, p. 60 f.

CHAPTER II

THE SPIRITUAL AND MENTAL DISTRESS CAUSED BY THE SCHISM

Si jamais problème passionna les esprits, troubla douloureusement les consciences ce fut celui qui se posa en l'année 1378.

Valois, i. 1.

Navis Petri, veluti gravissima tempestate per plures annos agitata et prope submersa est.

Bulaeus, iv. 433.

For the first time in the Church's history two Popes, with their completely organized courts, demanded the allegiance of Christendom. Antipopes had existed before, but alternative Popes were unknown. Sylvester III had been an Antipope to Benedict IX for two years (1044–46); numerous other names could be mentioned to make quite a formidable list of Antipopes, but they did not maintain their position long enough to make a divided Papacy an urgent problem for Christendom. Even Clement III, the Antipope to Gregory the Great and Victor III for twenty years, with his miniature court at Ravenna, did not reach the position of an alternative Pope. It was always known that his claims were null, and his subjects were comparatively a mere handful of discontented bishops from Germany and North Italy. But in 1378 there were two well-supported Popes, both holding the whole weight of the Papal tradition behind them and, with their successors, dividing Christendom for a period long enough to raise pressing and urgent problems for the faithful. It was all the more perplexing because the Papacy had suffered a partial eclipse by its captivity in Avignon. The pious were distressed; the critics were encouraged. The period is watered by the tears of sorrow and irrigated by new springs of fresh water. Lenfant thought

it the most illuminating and memorable period of Church history.[1]

Confusion was worse confounded by the general low level of spiritual power within the Church during the latter half of the fourteenth century. Friend and foe alike proclaim the inability of the sub-mediaeval Church to meet an urgent and perplexing problem. The insular views of Chaucer or Langland or Wycliffe are not necessary to prove this statement; Papal secretaries, orthodox bishops, university doctors and good churchmen are quite clear about the prevalent spiritual bankruptcy. A sidelight on the common talk in the Papal court is given by a Papal secretary: "There they talk every day of castles, lands, cities, of all kinds of war weapons, of money; but rarely or never do you hear them speak of purity, alms, justice, faith, or of holy life. So that what was once a spiritual Curia has become a worldly, devilish, despotic Curia, and worse in character, even in its public life, than any other secular court."[2] The character of the Popes during the Schism was worse than that of any contemporary ruler. Oaths were broken; promises were not kept; deceit, collusion, and lies were patent to the whole world. "On account of filthy lucre you will not find a Pope willing to give up his post for the peace of the Church."[3] Henry of Langenstein paints a horrible picture of debauched monks, cathedrals used as brigand caverns, and monasteries turned into brothels. His opinion of the beneficed clergy is contained in a question: "Why is it to-day that one man . . . holds four, five, six, or eight benefices, when he is not

[1] Preface to Lenfant. The period "contains the most memorable things that have happened in the history of the Church".

[2] von der Hardt, *De Modis Uniendi ac Reform. Eccles.*, I. v. 110, c. 17. Ibi fit omni die sermo de castris, de terris, de civitatibus, de generibus armorum, de pecuniis. Sed raro vel nunquam ibidem fit mentio de castitate, de eleemosyna, de justitia, de fide, aut de sanctis moribus, etc.

[3] *Ibid.*, *De Modis*, I. v. 110, c. 17. Propter quae lucra vix aliquem invenies, qui unquam vellet papati cedere et ecclesiae universali pacem dare.

worthy of one of them?" [1] And Henry of Langenstein was no Protestant. Nor was Nicholas of Clemanges, whose treatise, *The Ruin of the Church*, is a graphic account of the Church of the day. He complains of the ignorance of the clergy, some of whom knew "scarcely more Latin than Arabic, and some could not even read and distinguish A from B". Prelates were absent from their dioceses, "occupied in fishing and hunting, in various games like tennis (racquets) and dancing, at constant entertainments with women, girls, and young men; they pass the night in drunkenness and debauchery, and go thence in the morning to the Altar." The Cardinals are described in a single sentence: "Nothing equals their pride, the arrogance of their speech, and the insolence of their manners." d'Ailly was right when he saw that Reunion could only come through spiritual reconstruction. Moral and spiritual reformation was the one condition of Unity. "Nec vera unio sine reformatione, nec vera reformatio sine unione esse poterit." [2]

While the Church was suffering from *acedia* the nations were rising to life, and the influence of the nations on the Schism was vital. Urban VI knew his business when he appointed twenty-six new Cardinals from diverse nations in one day. National aspirations were young, impulsive, awkward, and often selfish. "Le religion ellemême y est sacrifiée à la politique." [3] And when the parting of the nations took place round the alternative Popes many motives were obviously at work. "Italy, excepting the Kingdom of Joanna of Naples, adhered to her native Pontiff; Germany and Bohemia to the Pontiff who had recognized King Wenceslaus as Emperor; England to the Pontiff hostile to France; Hungary to the Pontiff who might support her pretensions to Naples;

[1] du Pin, *Consilium Pacis*, ii. 837. Quid est etiam quod hodie unus . . . tenet quatuor, quinque, sex vel octo Beneficia, quorum uno non est dignus.

[2] von der Hardt, *De Offic. Imp. Papae Reliq.*, I. viii. 436 ff.

[3] Lenfant, i. vi.

Poland and the northern Kingdoms with Portugal espoused the same cause."[1]

England adopted a curiously cold attitude throughout the whole length of the Schism—an attitude which deserves closer attention. Froissart hints at the dominant political motive in a pregnant sentence: "Ye know well how all England was obeisant to Urban . . . because the French King was Clementine and all France."[2] But England was not warmly Urbanist as France was enthusiastically Clementine. There were marks of cold indifference to the ills of the Church in this epoch of English history. When the University of Paris wrote a stirring letter to the University of Oxford (August 26, 1395), imploring Englishmen to slay the cruel beast which had been set free to mangle the tender sheep in the fold, there does not appear to have been any reply.[3] Richard II wrote in vague terms later, when the University of Paris had taken active part in producing measures for the removal of the Schism; but England remained awkwardly aloof from any plans of Reunion, and turned down every proposal until the Council of Pisa. It is difficult to estimate how far this was due to the national hatred which led up to Agincourt, or to the natural insularity of the English Church. It caused ill-feeling in France, and brought us into disrepute on the Continent. "To tell the truth, the English were not clear of all political prejudice; willingly they would have exploited the Church for their profit",[4] may be a harsh judgment on the part of the French historian, but it embodies a truth.

It would, however, be wrong to think with Hüber that in the thirteenth and fourteenth centuries, though the University of Oxford reared and sent forth sons who won European regard, "in the great Councils of the Church in the fifteenth

[1] Milman, viii. 49.
[2] Froissart, p. 295.
[3] Bulaeus, iv. 751. Ecce cruentam bestiam quae pauperculas Christi oves passim sauciat vulnerat.
[4] Valois, iii. 76.

century she was nowhere to be found."[1] England did wake up at last. The vain promises of Gregory XII ultimately roused the English conscience. A meeting was held in London, consisting of the Doctors of the Universities of Oxford and Cambridge, to discuss the advisability of withdrawing obedience from the Pope. The Cardinal Archbishop of Bordeaux was welcomed in England about the same time. He addressed the King and Clergy on the inconstancy of Gregory. A few days later a Council of Bishops and representative Clergy of England, Scotland, and Ireland was held in the King's presence. After the sermon discussion took place, and it was decided to "give assistance to the Union of the Church" by sending Robert Hallam, Bishop of Salisbury, "with other learned and prudent men" (cum aliis viris doctis et prudentibus)[2] to represent England at the Council of Pisa. At the Council of Constance there were three Bishops, an Abbot, a Prior, and an Earl from England (the Bishops of Salisbury, Bath, and Hereford, the Abbot of Westminster, the Prior of Worcester, and the Earl of Warwick).

England was not so remiss as Hüber suggests, but her early reluctance to help in healing the wounds of the Church was in large measure the cause of the extension of the Schism over so many years. National hatreds kept open the wounds of mother Church.

There is one other factor to consider before we come to the problems directly raised by the Schism. Civil war was as deadly to the restoration of Church peace as was national jealousy. France was in a difficult position. The young prince, Charles VI, was a pawn in the hands of the grand dukes, Louis of Anjou, Philip of Burgundy, and Louis of Bourbon. The country was always divided. Gerson makes a great appeal for peace and unity in a sermon preached in Paris

[1] Hüber, *English Universities* i. 156.
[2] *Ypod. Neust.*, 1408; *Cont. Eulog.*, 1408.

before the dukes. "In division, in war, in revolt there is no gain, but loss, destruction and collapse from one servitude to another. . . . We need not seek examples from history to teach us this lesson. We have seen it with our own eyes. . . . If we would attain the spiritual peace so much desired in the bosom of Holy Church we must have temporal peace." [1]

Spiritual inefficiency, national jealousies, and civil war were not likely to make easier the solution of the special problems raised by a divided Papacy. On the other hand, they made divisions harsher than they would otherwise have been, paralysed the forces of healing, and lengthened the reign of Schism by at least two decades. Let us turn to the problems raised.[2]

A divided Papacy was a *reductio ad absurdum*. Two Popes meant two Christs; two Curias meant two Final Courts of Appeal; two obediences meant two Churches.

> Whom must we take for Pope? Whom must we choose?
> Which is the Pope when there are two or three?
> Must they that give the power which they use,
> Superiors, equals or inferiors be?
> When one at Rome, one at Avignon was,
> And each a Council had which took his part,
> Which for the true communion then must pass,
> Which was the Church from which none must depart?[3]

The unique nature of Papal decrees, moreover, accentuated the problem. It is true that in the later stages of the Schism the Bulls of Benedict were treated as so much wastepaper; but in its earlier years there was a real and awesome reverence paid to the word of the Vicar of Christ. The mediaeval

[1] du Pin, *Sermo*, iv. 637. In divisionibus enim, in praeliis, in seditionibus nihil potestatis aliud . . . non opus est ad antiquas vel extraneas recurrere historias ad hanc doctrinam docendam ad oculum vidimus, etc.

[2] *Ibid.*, *Sermo*, ii. 143. National jealousy was so great that Gerson could say: non possunt concordare Latini ad invicem, non quidem media pars, non quarta, non certe duo parva Regna ut Franciae et Angliae.

[3] Baxter, *Poems*, p. 150, quoted *Edinburgh Review*, October 1869, p. 317.

decree is well described by Lane-Poole: "When once the decree was pronounced it was never long before the stoutest champion of national rights found himself isolated among a people to whom the interdict was a terrible reality, insensibly subsided into the same terror, and ended by meekly accepting the doctrine which he had but now repudiated." [1] There was, in fact, more than a lingering reverence for these decrees; there was a genuine awe. But two equally powerful and contradictory decrees led to chaos. Henry of Langenstein saw the problem clearly: "One Pope excommunicates a man and the other declares him unloosed from it. One condemns a man justly, another unjustly justifies him on appeal; so justice is injured, the keys of the Church are debased, and the sword of Peter loses its terror." [2] Wycliffe thinks this aspect of the Schism the most ridiculous, and shows us a picture of one Pope cursing the other with all his might, whilst he reveals the logic of the situation in *De Blasphemia*, where he shows how the God of the Catholic Church approves opposites. "If Geneva declares that all the faithful shall communicate on Good Friday, instead of Easter, and Urban (our Pope) declares that we shall communicate only on the day of Pentecost," [3] the conclusion is obvious. He felt that the only solution to the problem was to allow the two Popes to confound each other, and that the secular arm should assist neither.

But the position was not quite so amusing as Wycliffe thought. When statesmen were confronted with the problem as part of their national policy it became most embarrassing

[1] Lane-Poole, p. 282.

[2] du Pin, *Cons. Pacis*, ii. 809. Quem unus excommunicat, alter non ligatum affirmat; quem unus juste condemnat alter male appellantem justificat. Sic injuria fit justitiae, vilescunt claves ecclesiae, gladius Petri non timetur.

[3] *De Blasphemia*, p. 162. Si gilbonensis statuat quod omnis fidelis comunicabitur die parasceves non in pascha . . . sic deus contradictoria approbaret.

and difficult. An insight into the practical side of it is given by Gerson in his *De Modo Habendi se tempore schismatis*, where he argues that a country must decide for one Pope or the other. "When either of those contending for the Papacy has been chosen it is not heretical to say that the other is not Pope." [1] If France decides to obey Clement it is not heretical for Frenchmen to say that Urban is not Pope. "It is, moreover, rash, injurious, and scandalous to assert that all holding one side or the other . . . are entirely outside the pale of salvation, or excommunicate, or reasonably suspect of schism." [2] It would have been terrible for relatives in two Obediences to face each other in a spirit of exclusive salvation. Then there was the all-important question of the efficacy of the Sacraments and the validity of the ministry in each Obedience. "Whichever side has been chosen", Gerson continues, "it is rash, scandalous, and savouring of heresy to assert that the Sacraments of the Church have no efficacy, or that Priests are not ordained and children are not baptized, and that the sacrament of the Altar is not consecrated; that is, if all has been carried out according to the order of Christ and His Church." [3] Apparently there was a tendency to regard those priests ordained before the Schism more highly than those ordained later, and Gerson was shocked at the idea. "It is vain and extremely scandalous to glory in the fact that the priestly or episcopal ordination was received before the present Schism rather than during this time, if, by this, people want to show that the earlier

[1] du Pin, ii. 3. Quocunque de Papatu contendentium demonstrato, non est haereticum dicere A non est Papa.

[2] *Ibid.*, ii. 3. Temerarium, injuriosum et scandalosum est asserere omnes tenentes istam partem vel alteram . . . esse universaliter extra statum salutis vel excommunicatos vel rationabiliter de schismate suspectos.

[3] *Ibid.*, ii. 4. Quacunque parte demonstrata temerarium et scandalosum et sapiens haeresim est asserere sacramenta ecclesiae suam efficaciam non habere; aut sacerdotes non esse consecratos pueros non esse baptizatos sacramentum altaris non esse confectum, etc.

are more truly priests than those ordained later."[1] Clergy and laity alike were faced with difficult problems, and it would be impossible to estimate how deeply these penetrated into the public, private, national, and personal life of every Catholic country in Europe.

University life was disorganized, and the advancement of learning very considerably arrested by the Schism. There were quarrels within the Studium, and papal interference of a very deadly kind was felt from without. The University of Paris was frequently divided, while the Pope employed his emissaries from Avignon to win over the best minds to his side. University fought with university after the example of Toulouse and Paris (1403–6), and useful energy was transferred from the more fruitful fields of scholarship to the unpleasant task of pamphleteering and religious polemics. Men like Pierre d'Ailly and Jean Charlier de Gerson gave up their entire lives to this cause. The latter, indeed, felt the strain severely: "How can knowledge be acquired in the Universities", he asked, "except in peace? Why was the University transferred from Athens to Rome and from Rome to Paris except for lack of peace? . . . And now so many scholars cease to attend the university on account of this cursed division in the Church."[2]

The pressure of problems from without was registered on the barometer of contemporary thought. Men had already begun to think strange thoughts. We have only to take our stand in the Paris Assembly of November 1406 to realize this. Two voices speak. One has the heavy, steady note of

[1] de Auferib, *Papae*, ii. 217. Vanum est et forte scandalosum gloriari quod Praesbyterialis vel episcopalis ordinatio suscepta fuerit ante schisma praesens potius quam hoc tempore; si per hoc velint hujusmodi gloriantes notare se verius esse Sacerdotes et Episcopi quam posteriores.

[2] *Sermo*, iv. 636 (1408). Quomodo scientiae acquiri possent in Studiis et Universitatibus nisi in pace? Quare translata est Universitas ab Athenis Romam et a Roma Parisios nisi ob pacis defectum? et modo tot scholastici omittunt Studium visitare propter maledictam Ecclesiae divisionem.

conservatism; the other has the lilt of a pleasant adventure in it. The Middle Ages is dying; a new age is dawning. The Dean of Rheims, on the one hand, looks back. He declares that there are two powers in the world, the temporal and the spiritual, representing the Sun and Moon. Christ had both powers and delivered both to St. Peter. The Pope has power, therefore, over the temporalities of Kings. He is superior to the jurisdiction of General Councils. He is the only universal monarch, and no Council can be called without his consent. The Abbot of Mont St. Michel, on the other hand, looks forward. The Council, he argues, is superior to the Pope, who must be disobeyed when he does evil. The commands of the Pope must be resisted when they occasion schism, because his power was given to him for the promotion of unity. "The office of the Pope is chiefly to preach and exhort . . . he is not Lord Universal of the Church, but servant of servants to all human creatures." [1] And he has taken too much upon himself.

This development of thought is best studied in individuals. There is probably no period in which men changed sides so often as they did when endeavouring to find a remedy for Disunion. Sometimes a thinker advanced so rapidly that his latest phase of thought was in violent contrast with his earliest. Orthodox and heretic frequently said the same thing; and many orthodox thinkers were severely reprimanded for the extent to which they embraced a liberal outlook. In fact, one of the perplexing problems of the period to the historian is to believe that the same author has composed treatises which have, apart from their authorship, little or nothing in common.

The most notorious example is John Wycliffe, to whom the Great Schism gave his characteristic place in the history of the Church. Had it not been for that event he might have been a good ecclesiastic with a distinct mediaeval turn. But.

[1] Lenfant, p. 136.

as Troeltch says: "From the outbreak of the Schism Wycliffe moved farther and farther from his original, strictly patriotic and ecclesiastical ideal to a criticism of the Church itself." [1] Before the Schism he had a varied literary activity as a metaphysical writer in the language of the schools (*de Universalibus*, *de Materia et Forma*, *etc.*), or as the champion of national rights (*determinatio quaedam de dominio*, 1366), or as a theologian with his own peculiar view of the Bible and of *Dominium* (*de Dominio divino*, 1366, and *de civili dominio*, 1372–77). He even recognized Urban VI as rightful Pope in 1378, and condemned Clement VII and his party as heretical.

His quarrel with the Papacy at first was that of an English patriot voicing the national jealousy against papal autocracy. In a diatribe against an anonymous Doctor of Theology (dominum et socium de ordine St. Benedicti) he disproves the statement that the Pope had given the Kingdom of Britain to its King as a fief, subject to the annual payment of £70 per annum. As a King's chaplain (peculiaris regis clericus), he must have been thoroughly orthodox. Kings and Princes supported him; the mass of the clergy and people were behind him; he was not yet the Lollard theologian; he had yet no need to solicit the support of poor laymen and to translate the Bible into the vernacular to order to prove his theology. His most extreme statements were related to the possessions of the Church and to the limitations which he thought should be placed on the power of excommunication.

These conclusions were resented by Gregory XI. "About fifty conclusions of the said John were sent to the Roman Curia, to Lord Pope Gregory XI for correction. The Pope himself condemned thirteen as heretical, wanton, and void." [2]

[1] Troeltch, p. 297.

[2] *Chron. Angl.*, p. 396. Circiter quinquaginta de conclusionibus dicti magistri Johannis missae erant ad curiam Romanam domino Gregorio papae undecimo porrigendae ex quibus ipse dominus papae tres decim tanquam hereticas, frivolas at vanas dampnavit.

Bulls dated May 22, 1377, arrived in England before December 1377. They were addressed to the University of Oxford, the Archbishop of Canterbury, the Bishop of London, and the King. The Bishops brought Wycliffe to trial at Lambeth (February or March 1378), just about the moment that Gregory was setting out from Avignon for Rome. But the condemned propositions were not heretical enough to merit the wholesale condemnation that the Pope had given them, and Wycliffe was discharged by his judges. The Pope, in fact, was not yet regarded by him as Antichrist, nor was the "Wicket" and the Eucharistic theory of his later days part of his creed.

A violent change, however, is evident at the time of the Blackfriars Trial, four years later (May 1382). The protection of the Royal house and the landed Dukes has been withdrawn, and the clergy are now his bitter enemies, his only allies being the poorer classes. The Great Schism has changed him rapidly. The titles of his later works symbolize the change—*de Papa*, *de Christo et suo adversario Antichristo*. He has become a radical reformer, with his two swords, the Itinerant Preachers and the English Bible. The last six years of Wycliffe's life stand alone as the result of the influence of the Great Schism.

In *De Blasphemia* he begins to take up his more radical attitude, and attacks "the worship of the Pope". "By worshipping the Pope as the Vicar of Christ a more detestable and blasphemous act of idolatry is committed than the belief in transubstantiation; since divine honours are paid to a member of Lucifer, who is more loathsome than a piece of painted wood."[1] The Church would fare better without a Pope. Christ said it was expedient for Him to go away—"even so it would be more expedient for the whole Church

[1] *De Blasphemia*, p. 31. Colendo papam ut Cristi vicarium . . . committitur plus detestanda atque blasfema ydolatria; quia honores divini attribuuntur membro luciferi, quod est ydolum detestabilius trunco picto.

militant to look to Him for inspiration than to set up over itself one Leader".[1]

The climax of Wycliffe's position is reached in the third book of the *Opus evangelicum*, known to scholars as *De Antichristo* (1384), because of its virulent attack on the whole system of the Papacy. It was written in the very year of Wycliffe's death, and was the "testament" of its writer. The Pope, he says, is Antichrist. The name "pope" is unbiblical, and the system itself has no New Testament parallel. "For Christ was satisfied with His Episcopate over the Jews, and no Apostle received the name of Pope, or nomination to the Papacy . . . but all confessed that they were brethren."[2] Here lies the chief cause of the Great Schism (causa magna istius dissensionis).

Some of the most orthodox thinkers of the time were influenced by the Schism almost as deeply as Wycliffe himself. Salembier, the Roman Catholic historian of the period, shrinks with horror at some of the conclusions reached by his orthodox predecessors. "The Hussites, Protestants, and most audacious of Gallicans have hardly surpassed these Paris theologians in their most erroneous negations, when they dispute not only the limits, but even the origin of the rights of the Pope."[3] Some of their extreme statements might have been written by English Lollards.

In religious thought the only constant element was change. In 1381 Pierre d'Ailly was the leader of the University in its work for "the way of a General Council"; in 1396 he was Bishop of Cambrai and a supporter of the Pope. In 1403 he

[1] *De Blasphemia*, p. 48. Sic foret expedicius quod tota ecclesia militans aspiraret ad eum et reciperet ab eo inspiracionem fidei quam quod constituat super se unum capitaneum.

[2] *Opus Evang.*, iii. 229. Papa vel antichristus. Christus enim fuit de episcopatu gentis Judaice contentatus, nec aliquis apostolus accepit super se nomen papatus vel talis regiminis sed omnes confessi sunt se esse socios.

[3] Salembier, p. 113.

rejoiced at the restoration of Obedience to Benedict; in 1406 he withdrew obedience himself and joined the Council of Pisa at the summons of the rebellious Cardinals. Gerson did not yield to the offer of preferment from the Pope in 1381 when d'Ailly joined the side of Benedict, but in 1402 he was an enemy of those who asked for withdrawal of Obedience from the Pope, and withdrew obedience himself in 1406, writing valuable treatises in preparation for the Council of Pisa. The Cardinal Priest Pierre de Thury supported Clement in 1381, and was promoted to the Cardinalate in 1395; in 1396 he opposed the Pope and accepted the Way of Cession; from that date he followed the national policy against the Pope, and was present at the Council of Pisa. A hundred other instances of change and uncertainty might be given, and will occur in our review of the period. The times were difficult; events moved too rapidly for thought: "We see how circumstances conquer principle and necessity is the mother of invention." [1]

If the most orthodox minds were shaken by the division of the Papacy, it is not a matter of surprise that others, more critical, were driven outside the Church for satisfaction. Henry of Langenstein made a true prophecy in 1381 when he declared that "the prolongation of this Schism would cause heretics and heresies to arise".[2] Its fulfilment was not long in coming. In Flanders Gerson found people "drawing men from the obedience due to their immediate superiors . . . . and turning them from the sacred sacraments of the Church and compelling them to abandon, despise, and violate the sacred and fixed law of God for their unstable opinions and human traditions".[3] On the other hand, it

[1] Figgis, *Gerson to Grotius*, p. 1.

[2] von der Hardt, II. i. 27. Diuturnitas hujus schismatis haereses et haereticos insurgere faciet.

[3] du Pin, ii. 3. Homines ab obedientia debita Superiorum suorum immediatorum et certorum retrahunt. Dum insuper a Sacramentis Ecclesiasticis et sacrosanctis eosdem avertunt.

would be a mistake to think that the Reformation had dawned. The Faith had not changed; the seven sacraments were still universally held; transubstantiation was an unbroken tenet of Christendom; and the Church had still the power of binding and loosing; and the apostolic ministry was intact. The heretics were accidental and local, but the spirit of criticism had dawned. And could it be wondered at when "there was not a kingdom, nor a province, nor a diocese, nor an estate, nor a Chapter, nor a College, nor a Convent, nay scarcely a house that was not divided against itself," [1] or, as Gerson put it to the Bishops at Constance, in the "darkness of divisions and schisms, the darkness of so many errors and heresies, the fearful darkness of so many vices rushing forth in a deplorable way, through the body of Christ as driven by a Great Whirlwind".[2]

The sufferings of Christendom led to a call for action. To Charles VI the message went: "Rise up, put off sleep and childish desires and youthful cares . . . open your eyes and see. . . . It is your duty to . . . seek peace, and to destroy this dreadful evil of schism." "Emulate the valour of your great and Illustrious Predecessors, who refused no duty on behalf of the Church, and who feared no danger." [3] The Pope received an equally urgent demand from the same writer, "You see, O Blessed Father . . . the fall of the Church, the ruin and desolation wrought by this most abominable Schism, the most destructive of all schisms now in its sixteenth year (anno jam decimo sexto). . . . You must make the healing of this wound your first task." [4]

[1] Bulaeus, v. 4–24. Non est regnum, non provincia, non dioezesis, non territorium, non capitulum, non collegium, vel conventus, imo nec vix domus, quin . . . inter se pertinaciter subdivisi.

[2] du Pin, ii. 202 (1415). Tenebrae divisionum schismatumque, tenebrae tot errorum et haeresum, tenebrae demum horridae tot vitiorum per ecclesiasticum Corpus, vasto quodam turbine miserabiliter exundantium.

[3] von der Hardt, *Nicholas de Clemanges*, I. ii. 6. Consurge, somnumque puerilia desideria, juvenilesque curas abjice . . . aperi oculos tuos et vide, etc.

[4] *Ibid.*, I. ii. 25.

The language of the day bears marks of the urgency of the call. When a man had done all in his power to help to destroy disunion he was said to have "freed his soul from schism." [1] Gerson tells those who refuse the sentence of the Council to look after their own salvation, "since the Council and its adherents have freed themselves from the charge of schism before God and man"; [2] to other obstinate people he says, "Look after yourselves, we have freed our souls from schism." Jean de Varennes put it in another way, "I have spent all my possessions", he wrote to Benedict, "in getting peace. My zeal has exposed me to the ridicule of the bad-minded; it only remains for me to give my life in the great joy of being able to win the martyr's crown for a work so holy."

At times it seemed that despair was the predominant note, for there seemed to be no solution to the puzzle. "How shall we be free from danger in a sinking ship? If we remain in it we must perish with it, and if we stray outside salvation escapes us, since outside the ship there is no salvation." [3] In the year 1406, when every plan of Reunion had seemed to fail ingloriously, despair was utter and complete. Pierre aux Boeufs expressed his opinion in November of that year. "Alas! has not the present Schism the shape of a circle where there is neither end nor exit? There have been many other schisms, but they were only semicircles." Two years later the brave chancellor of the University of Paris was at his wits' end. "This unprecedented Schism is cursed and irreparable; it will not be ended except by the special help of God and a Miracle" [4] (nunquam omnino delebitur sine speciali Dei auxilio et tanquam per miraculum). The midnight of despair had been reached.

du Pin, ii. 35. Nos animam nostram liberavimus a schismate.

[2] *Ibid.*, ii. 842.

[3] von der Hardt, I. ii. 6. Quomodo autem navi periclitante nos a periculo liberabimus? Si in navi steterimus, nobis cum illa pereundum est: sin vero extra evagemur salus nos effugit. Cum extra navem ecclesiae nulla sit salus.

[4] Lenfant, i. 137.

The total impression left by the religious literature of the times is one of great perplexity. Perhaps no age has taken its religious difficulties so seriously. The scenes outside Pisa and Paris, after it was thought that Unity had been restored, are an index of the tension of thought under which Christendom laboured. "O most Powerful God! how great was the joy thus caused by thy never-failing grace; for it is impossible to relate the shoutings and acclamations that resounded for more than a league round the city of Pisa. But what shall we say of the city of Paris? Why, when this joyful news was brought thither on the 8th of July, they incessantly shouted, night and day, 'Long live Alexander V our Pope' in all the squares and streets and entertained all passengers with meat and drink from their heartfelt happiness."[1]

[1] Monstrelet, *Chronicles*, p. 253.

CHAPTER III

THE OUTSTANDING APPEAL

Ante omnia videtur necessarium quod facta huc usque: nullatenus discutiantur, nec inquiramus quomodo cecidimus in hanc foveam, aut laqueos; sed tantummodo studeamus hinc egredi atque liberari.

du Pin, *De Restit. Obed.*, ii. 34.

Absint igitur procul omnes animositates odiosae: non fiat aspectus retrorsum, in quibus periculis et procellis navis ecclesiae hactenus jactata sit, sed docti ab Apostolo (Phil. iii. 13), extendentes nos et velum in anteriora, portum pacis optatum concordi laboris annisu petamus.

du Pin, *Sermon before Benedict*, November 9, 1403, ii. 45.

Denique, non attendamus quî aut qualiter ceciderimus: sed qua ratione emergamus unionemque ab omnibus desideratam et quaesitam consequamur.

du Pin, *Sermon before the Court after the Restitution of Obed.*, 1403, ii. 42.

Videtur expediens quod ea quae retro sunt obliviscentes isti de Concilio, *in anteriora*, sicut Apostolus loquitur, *se extendant* (Phil. iii. 13) ut juxta narrationem ab Augustino commemoratam, plus qaeratur quomodo liberabitur ecclesia ab hac schismatis fovea profundissima, quam qualiter et a quibus in eam est prolapsa.

du Pin, *De Unitate Ecclesiae*, ii. 115, 1409.

The above passages illustrate the attitude which the best minds adopted to a desperate condition in the Church. The forward look of hope was the only healthy attitude; or, as Gerson put it: "Let all bitter feelings be forgotten; let not a glance be made behind on the dangers and storms, which have until now tossed the ship of the Church. By the advice of the Apostle let us set our sails for a forward move and make for the long-desired haven of peace."[1] There was one important preliminary question to settle. The waters on

[1] See above.

which the ship sailed were strange and dangerous. Where could be found the compass and chart by which it was to be brought safely to harbour?

Occasionally we hear of an appeal to the New Testament for guidance. Matthew of Janov, who was probably at Paris between 1373 and 1381, was the predecessor of Huss in this respect. "I have loved the Bible from my youth," he used to say, "and called it my friend and my bride." Wycliffe soon learned to solve all his difficulties by a direct appeal to the Bible. "It seems to me that the law of the Gospel should suffice", he said, "without the Civil Law, or the Canon Law, for the complete rule of the Church Militant."[1] He went so far as to state that if "the Roman Church . . . should excommunicate anyone unlawfully and God should reveal to him in Scripture that his excommunication was invalid . . . he must believe that the Roman Church was in error when it excommunicated him".[2] He solves the problems of schism by a very direct appeal, warning the people of England to have nothing to do with either Pope, but to be content with their Bibles, "for we have a Father in Heaven who gave a law sufficient in itself for the government of the Church universal and militant."[3]

Other writers made an appeal to the early Church. "Let the Holy General Council rescue and reform the universal Church by ancient law", says Dietrich of Niem. He wants bishops to be equal in power with the Pope as they were in the early Church, and condemns many contemporary customs which "were neither seen nor heard of in the primitive Church". But the early Church had no precedent like the long Schism, and the appeal to its example was therefore of little value.[4]

[1] *De civil. domin.*, p. 121. Videtur mihi quod lex evangelica per se sufficeret sine lege civili vel vocata canonica ad completum regimen ecclesiae militantis. [2] *Ibid.*, p. 374. [3] *Ibid.*, p. 395.
[4] von der Hardt, *De Modis Uniendi*, I. iv. 89 ff. Ideo sacrum universale concilium reducat et reformet ecclesiam universalem in jure antiquo . . .

The conservatives appealed to the strict letter of Canon Law. The Corpus Juris Canonici consisted of the Decretum of Gratian (1139–42), with the decisions of later Popes, the Liber sextus (1298), the forged decretals of Isidore and the Clementines (1317). But Canon Law was tested to its breaking-point by the new conditions at the end of the fourteenth century. Two new factors had arisen. In the first place, Canon Law knew nothing of national Churches. The great Prelates of England, for example, sat in the Church Courts, neither as English Prelates nor as "judges ordinary", but as delegates of the Pope. In theory the power of the Pope was unquestioned; he had the *dominium* over the Churches and their goods; he was above the General Council. And again Canon Law made no provision for a persistent schism in the Papacy. The new wine burst the old bottles; the new cloth could not be fastened to the old garment; and the wise scribe had to bring from his treasure things new as well as old. When the Conciliar theory was advanced it was impossible to support it by Canon Law. Its propounders had to move cautiously all along the line. Another appeal was necessary to find a way of escape from the dead hand or the past.

The outstanding appeal of the time lay in another direction. Applied to Church affairs, it appeared novel. It was called by various names—Utilitas, Necessitas, Dispensatio, Exceptio, but was really Aristotle's old legal expedient, 'Epieikeia'. In his own words: "It is 'Epieikeia' to pardon human failings and to look to the lawgiver, not to the law; to the spirit and not to the letter; to the intention and not to the action; to the whole and not to the part; to the character of the actor in the long run and not in the present moment; to remember good rather than evil, and good that one has received rather than good one has done; to bear

qui in primitiva ecclesia aequalis potestatis cum Papa erant . . . nunquam visae fuerant immo nec auditae . . . in primitiva ecclesia.

being injured; to wish to settle a matter by words rather than by deeds."[1]

Although we have said that the use of 'Epieikeia' was new in its application to ecclesiastical affairs during the Great Schism, there had been frequent recourse to it in questions concerning the relation of the Empire and the Papacy. Gierke has given us a good summary of its use. He is writing about the two-power theory of Dante, where the "Sacerdotium" and the "Imperium" are regarded as equal and necessary functions of the social body. The Church guards "spirituals"; the State guards "temporals"; the Church is subject to the State in "temporals", and the State subject to the Church in "spirituals". But history shows that there are very practical and urgent circumstances in which the temporal power must interfere with the spiritual, or *vice versa*. "Since, when there is a vacancy in the office of supreme temporal Magistrate, it is for the Pope to judge even temporal matters, the *translatio imperii*, the decision of disputed elections to the Empire, nay, in some circumstances even the deposition of a Kaiser, might perhaps have fallen within the Pope's competence. But the same legal principle required that in case of necessity the temporal Head of Christendom should take the Church under his care and either himself decide ecclesiastical controversies, or else summon a General Council to heal the faults of the Church."[2]

The period of the Great Schism is unique in that it used the argument of necessity for purely religious purposes, and on a scale unknown before. We cannot do better than translate the chief passages which relate to the operation of this outstanding appeal. We shall find it useful and instructive to place them in chronological order with the translation side by side with the original.

[1] *Rhet.*, i. xiii.

[2] Gierke, *Das deutsche Genossenschaftsrecht*, vol. iii. *Die publicistischen Lehren des Mittelalters*, p. 18.

1381. *Consilium Pacis*, by Henry of Langenstein, chap. xv. du Pin, ii. 381.

Notum est, quod non solum illud quod extra tempus necessitatis est licitum, imminente necessitate fit debitum: sed etiam, quod extra necessitatem fuit illicitum, in necessitate extrema fit debitum et necessarium. Ut contrectatio rei alienae, invito Domino, vel ablatio panis ab existente in extrema necessitate, non est furtum. Ratio hujus est, quod ea quae sunt Juris humani, utpote rerum divisio et appropriatio, et consimilia, non possunt derogare Juri naturali vel divino, quo res inferiores ordinatae sunt ad hoc, ut per eas necessitati hominum subveniatur. . . . Malè igitur epikeisant, qui, in praesenti communi summa necessitate Universalis Ecclesiae, volunt omnia Jura positiva, de Concilio congregando nonnisi autoritate Papae, praecisè ad literam servari; impedientes, contra intentionem eorum qui Canones constituerunt, viam pacis et salutis; ac si in nullo casu liceret populo, vel alicui, sine autoritate Principis contra Statuta communia, pro defensione sui et paternarum Legum militare; seu Principi, volenti Rempublicam et civium universitatem destruere, ad cujus conservationem est ordinatus, tanquam hosti, non Regi resistere. Nonne

We know that not only what is permissible outside a time of need becomes a duty under pressure of necessity, but that even what was not permissible outside a time of need becomes both a duty and a necessity in a time of extreme urgency. For example: taking the property of another without the owner's consent, or taking bread by one who is in extreme need is not theft. The reason for this is that those things which are covered by the laws of men, such as the division and appropriation of property and similar matters, cannot repeal natural or divine Law, by which lower things are ordained to serve the need of man. . . . Therefore those people abuse 'Epieikeia' who in the present great and common need of the Universal Church desire that all positive laws about the assembling of a Council by the Pope alone should be kept exactly to the letter; they obstruct the way of peace and safety against the intention of those who drew up the Canons, as if in no circumstances it would be lawful for the people or someone to strive against the common statutes without the authority of the Prince in defence of their own or their fathers' laws or commonwealth, or to resist

etiam Maccabaei in dies Sabbathorum bellantes, divinae Legis transgressores non fuerunt? Quis etiam nescit, quod fuit impossibile regulariter Leges et Jura positiva institui, quae in nullo casu deficerent, vel exceptionem paterentur.

as enemy and not as King a Prince bent on ruining the Commonwealth and the whole community of citizens for the preservation of which he was appointed. . . . Is it not true that the Maccabees who waged war on the Sabbath were no transgressors of the Divine Law? Besides, who does not know that it would be impossible to make statutes and positive laws which would never allow of an exception.

Est quaedam virtus, quam Aristoteles V Ethic vocat epieikeian, quae est directiva justi legalis. Et e ea melior et nobilior, quia per eam, modo excellentiori et perfectiori, obeditur menti et intentioni Legislatoris. Patet igitur, quod quia Legum latores Leges ponendo frequenter attendunt ad ea quae, ut in pluribus, accidunt, et raro de raro contingentibus provident: ideo accidit, quod quidam Juris imperiti, et indocti in Theologia et in morali Philosophia, volentes Leges communes, et positivas Sanctiones, in omnibus casibus observari, juxta verborum corticem, seu superficiem, faciunt saepè contra justitiam et bonum publicum, et contra intentionem Legislatorum: transgredientes dictamen rectè rationis, propter quasdam verbales traditiones hominum, quarum intentionem non attendunt, Legum justas

There is a certain quality which Aristotle in the fifth book of the Ethics calls 'Epieikeia', and which has a directive force over the justice of the law. It is superior to justice because it is more in keeping with the mind and aim of the Legislator. It is therefore evident that since Law-makers direct their attention to those things which occur in the majority of cases and rarely make provision for contingent events, therefore some men, without legal experience and ignorant of moral philosophy and theology, desiring that common laws and decrees should be observed in all cases according to the outer and superficial meaning, oppose the intention of the Legislator and run counter to justice and the public good, overstepping thereby the dictates of sound reason for the sake of certain

interpretationes audire contemnentes.

human traditions. They do not consider the intention of the Law, and scorn to listen to its true meaning.

1400. *Appellatio interposita per Leodienses a Papa eorum post subtractionem obedientiae per eos sibi factam A. 1400.*—Martène et Durand, *Thes. Anec.*, ii. 1255 f.

Cum verum sit, quod omnes casus provisione indigentes, non possint in legibus vel constitutionibus particularibus comprehendi, nec per ipsas omnibus necessitatibus potest provideri juxta varias circumstantias occurrentes, secundum tamen quamdam virtutem moralem justitiae directivam datur vel habetur facultas interpretandi vel potius trahendi legem ad commune bonum, ubi verba ipsius legis cessant, et ubi incumbit necessitas secundum bonam considerationem moralem, et virtutem quae 'Epikeia' a philosophis dicitur, datur licentia vel auctoritas providendi. Et propterea licet secundum verba juris canonici vel ipsorum verius corticem, de communi cursu legis, nisi pro crimine haeresis, papa non possit deponi; cum tamen certum sit hujus schismatis notabilem prolongationem universae christianitatis fore subversionem, et verum sit generalis concilii convocationem, prout res se nunc habent, maximam includere

Since it is true that all cases which cannot be foreseen may not be considered by special laws or regulations, and that provision cannot be made in them for all eventualities that may arise according to changing circumstances, we have . . . the power of interpreting, or rather of diverting, the law for the common good when the words of the law miss the mark and when necessity demands it—according to a wise reflective moral power called 'Epieikeia' by the philosophers, which gives liberty or authority to make provision for such circumstances. And since by Canon Law, or rather by the outer meaning of it, in the usual course of the Law, it is not possible that a Pope be deposed except on a charge of heresy, which would mean a notorious continuance of the Schism and universal disaster to Christianity . . . it follows that for the preservation of the Church militant recourse must be had to the said moral power which

difficultatem . . . sequitur quod pro conservatione militantis Ecclesiae . . . recurrendum ad dictam virtutem moralem legalis justitiae directivam, et juxta necessitatem incumbentem est etiam procedendum, ut non sic periclitetur fides et Ecclesia, nec perpetuetur schisma, et ne ducantur animae ad praecipitium, destructionem et interitum.

directs the justice of the Law; and measures must be taken in accordance with the urgent need that the Faith and the Church be not exposed to danger nor the Schism prolonged and souls led into danger, disaster, and death.

1402–3. *Trilogus*, by Gerson. du Pin, ii. 92.

Jura sunt ad hoc plenissima; neque pretereà latet vos, potestatem Papalem, datam esse in aedificationem Ecclesiae, non in destructionem; quo abusu in destructionem Ecclesiae notorio existente, nonne exemplo Pauli, resistere in facie gerenti se pro Papa liceret? Nonne sibi dici posset, cur ita facis? Athanasius Summus olim Pontifex, et aliorum nonnulli, super hoc sunt in exemplum. Et Ô Deus arbiter aequissime, quo pacto mirantur istud quidam hominum, quasi non intelligibilis sit haec absurditas, cum in rebus longè minoribus id licere fieri, magno assensu concederent! Si enim Palatium suum, sive Civitatem suam Papa facibus accensis, pro sua libidine quaereret concremare; si paganos armatos, si agrorum depopulatores moliretur apud Christianos intromittere (etiam ubi nihil Fidei praedicaretur adversum) si virgines ingenuas, aut matronas

Laws have a very definite purpose and besides, it is not hidden from you that the power of the Pope was given for the edification of the Church and not for its destruction. In case of the abuse of the Law to the damage of the Church, would it not be lawful by the well-known example of St. Paul to withstand to the face him who plays the part of Pope? Athanasius, once supreme Pontiff, and several others, are examples. How, O God, Most Impartial Judge, do men stand in wonder at this, as if it were absurd and unreasonable, when in far less important matters they agree strongly that this procedure is lawful. For if the Pope wanted to burn up his palace or city with lighted torches for his own pleasure, if he tried to send heathen soldiers or marauders of the fields among Christians (even when he did not proclaim any-

honorabiles violare satageret; quis tam indulgentissimus unquam aut blandus adulator ad Papam fuit, qui negaret his ausibus obviandum esse. Qui Papam ipsum, si verba non sufficerent, diceret non debere factis arceri? Jure naturali conceditur vim vi repellere; ideoque conceditur personae singulari fas esse Papam aut Regem vel ligare vel carceri mancipare (eis injustè persequentibus hanc personam), si sibi non aliundè pateret propriae mortis, aut impudicae violationis effugium. Si hoc in damnis corporalibus tam liquidum est, quid de spiritualibus incommodis, longè gravioribus, relinquitur aestimandum?

thing against the Faith), if he wanted to violate noble Virgins or Honourable Matrons, who would be so indulgent to the Pope, or such a fawning flatterer as to deny that he must be checked in his deeds? Who would say that the Pope himself, if words were not enough, should not be prevented by deeds? It is right by natural law to resist force by force; and every individual person may rightfully bind or imprison the Pope or King (when they persecute such an individual unjustly) if there is no way of escape open for him to avoid death or shameless injury. If this is so evident when it concerns bodily injuries, why is it thought that it should be discarded when it is a matter of spiritual misfortune?

1404. *Sermo Facta in die Circum. Domin. Coram Papa apud Tarasc.*, by Gerson. du Pin, ii. 69.

Finis Politiae Ecclesiasticae et cujuslibet Legis eam regulantis est pax salutifera . . . cum igitur secundum exigentiam finis cetera debeant moderari, et finis est qui imponit necessitatem rebus, necessitas vero Legem non habet; perspicuum est quod nulla Lex habeat aliquid firmitatis si paci faciendae vel conservandae invenitur contraria; sed debet interpretari ut serviat paci, vel penitùs

The purpose of Church Polity, and of any law directing it, is life-giving peace. . . . Since necessity has no law, it is clear that no law has any force if it is found to be opposed to the making and keeping of peace. It must be interpreted as the servant of peace, or completely abolished; otherwise, according to the saying of the Comic Poet, "the greatest right is the greatest wrong".

aboleri, alioquin juxta dictum Comici, "*summum jus summa est malitia*". Ex quibus elicitur conclusio saluberrima, quod nulla via proficiens ad sedationem schismatis repudianda est, quantumcunque Jura vel Leges humanae videantur opponi, . . . dummodo Divinum Mandatum vel Jus maneat inviolatum; Haec est Lex Evangelica, quae si contemnatur ab aliquibus, illi sunt inepti pacis Ecclesiasticae tractatores, quemadmodum inutiles sunt homines ita adhaerentes nudis textibus, ut epikeiam, hoc est aequitatem ignorent; quales Aristoteles nominavit "*immansivos in opinionibus propriis*". Ex his denique quis non videat quam impium est, praesertim apud eos qui se Ecclesiasticos dici volunt, si peritos in Evangelica Lege vel non consultare vel abjicere vel majori sacrilegio, habere probro cognoscantur; hinc errores, hinc praesumptuosae assertiones, hinc perplexitates inexplicabiles, hinc obstinatae defensiones adinventionum humanarum in perniciem Ecclesiae et pacis salutiferae finis sui surgunt; ut quod non licet disputare de potentia Papae, quod non potest sibi dici, Cur ita facis? cum tamen sit peccabilis; quod non potest in aliquo casu Ecclesia sine eo convocari vel aggregari; quod hic est Fidei Articulus, Benedictus est Papa (exempli

From which things it follows that no useful way of ending the Schism must be rejected however much human codes may seem to be opposed to it . . . as long as the Divine command or law remains unbroken. This is the substance of the Gospel law, and if it is rejected by some men they are fools in their work for Church peace, like people who cling to the bare text and overlook 'Epieikeia' or Equity. Aristotle calls such people "those of half-digested opinions". Who cannot therefore see how wrong it is, especially among those who want to be called Churchmen, to think that they are to renounce those experienced in evangelical law, or to refuse to consult them, or to regard them as guilty of a greater sin than impurity. Mistakes, ungrounded statements, intricate problems, obdurate apologies for human inventions come from this source to the danger of the Church and its purpose of salvation-bringing peace. As for example, that it is unlawful to discuss the power of the Pope; that it may not be said to him, "Why do you act thus?" though he is capable of sinning; that the Church cannot in any circumstances be called or summoned without him; that "Benedict is Pope" is an article of Faith; that the Pope can in no case be summoned

gratia); quod non potest in aliquo casu ad Concilium Papa vocari; quod absque eo non stat salus, cum tamen salus Ecclesiae in solum Deum ordinetur absolute et essentialiter et in hominem Christum de ordinata Lege, sed accidentaliter ordinatur in Papam mortalem; alioquin dum vacat Sedes per mortem Papae, vel naturalem vel civilem, utpota si sit haereticus depositus, quis hominum salvus esset?

to a Council; that, without him, is no health, though the health of the Church stands absolutely and essentially in God alone and in the Man Christ by Divine ordinance, and in the Pope as mortal man only accidentally; otherwise when the Holy See is vacant by his death, natural or civil (e.g. if deposed for heresy), who would be saved?

1408. *De Unitate*, by Gerson. du Pin, ii. 113–21.

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Unitas Ecclesiae ad unum Christi Vicarium non habet necesse quod nunc procuretur, servando terminos litterales, aut ceremoniales Jurium positivorum aut processuum ordinariorum in evocationibus, accusationibus, delationibus, aut similibus; sed summarie et de bona grossaque aequitate potest procedere Concilium illud generale, in quo residebit sufficiens autoritas judicialis utendi epikeia id est interpretandi omnia Jura positiva, et ad finem celeriorem et salubriorem habendae unionis eadem adaptandi; aut si opus fuerit relinquendi; quod enim pro Ecclesiastica pace et salute institutum est, si rite, non tyrannica malignitate fuerit institutum, non debet contra

The unity of the Church in one Vicar of Christ need not now be obtained by necessarily keeping to the literal or outward terms of positive law as in evocations, accusations, delations, or similar matters. This general Council may proceed summarily and with that valuable and important weapon Equity; this Council, I say, in which will reside sufficient judicial authority for using 'Epieikeia,' i.e. the power of interpreting all positive laws and of adapting them to the better ensuring of unity, or even of departing from them in case of necessity, for what has been ordained for the peace and health of the Church. As it was instituted from a sense of order, and not by arbitrary

eam militare, ne potestas data videatur Constitutionibus humanis, in destructione Ecclesiae, non in ejus aedificationem.

ill-will, it must not militate against peace lest it should lead to the destruction and not to the edification of the Church.

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Rursus occurrere possunt casus multi, in quibus pro adeptione pacis publicae aut justae defensionis, sicut vim vi repellendo, liceret a ritè electo in Papam substrahere obedientiam; liceret in neutralitate manere; liceret ipsum corporaliter incarcerare; liceret ei administrationem omnem publicam interdicere: liceret per appellationem aut simile remedium sibi resistere; . . . liceret praetensas Sententias suas qualescunque non timere, nec timendas asserere; sed lacerare eas et in caput suum retorquere; liceret praetereà accusare eum de schismate vel haeresi, tam doctrinaliter in locis publicis per Theologos et sapientes, quam secretè in correctione fraterna, cui subjicitur tanquam peccator . . . coram tota Ecclesia, cui similiter subjectus est tanquam deviabilis indeviabili. Liceret Concilium generale eo invito celebrare; liceret tandem ipsum ad cessionem compellere, vel renitentem dejicere ab omni honore et gradu, immo et vita privare. Haec omnia denique taliter licere possunt stabili jure divino et naturali, quod adversus hanc veritatem nulla Lex vel Constitutio puri hominis

Again, many cases may occur in which as it would be lawful to resist force by force for the obtaining of public peace or just protection, so would it be lawful to withdraw obedience from a Pope duly elected to the Papacy, or to remain neutral; or to imprison him bodily, or to forbid him all public help; or by appeal or similar remedy to oppose him, or not to be afraid of the decisions which he puts forward of whatever nature and to assert that they are not to be feared; or to tear them in pieces and to turn them back on his own head; or, again, to accuse him of schism or heresy, both by instruction in public places by theologians and men of learning as well as secretly in brotherly correction to which he is subject as a sinner before the whole Church . . . or to hold a general Council without his consent; or, lastly, to force him to abdicate, and if he resists to hurl him from all office and rank, and even to deprive him of life. All these and such-like things are permissible by fixed, divine, and natural law, since no law nor order of any mere man con-

cujuscunque, sine nova authorisatione Dei fieri debet, quin erroris intolerabilis damnanda sit.

trary to this truth must be made without the authority of God except to be condemned as intolerable error.

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Summopere cavendum est Judicibus, ne usus epikeyae passim et absque manifesta ratione fiat, transmutando Legem scriptam: alioquin tolleretur protinus a legibus sua stabilitas; quibus Nutantibus totam Reipublicae disciplinam innitentem eis collabi, et ex consequenti Rempublicam corruere vel conturbari necesse est.

It is very necessary to warn judges lest 'Epieikeia' be used promiscuously and without a clear reason, by an entire change of the written law; otherwise laws may lose their stability forthwith, and doubt about the laws would destroy the discipline which rests on them and the Commonwealth in consequence would necessarily be broken up and thrown into confusion.

1409. *De Auferibilitate Papae*, by Gerson. du Pin, ii. 215.

Regulae generales bene suscipiunt exceptiones, sicut in grammaticalibus, ita et in moralibus; praesertim ubi Canones particulares incidunt modis variabiles infinitis; ad quas exceptiones ordinata est Lex superior interpres aliarum, quam Aristoteles vocat epykeiam . . . Haec autem Lex semper habet locum in interpretatione Legum aliarum particularium, ubi deficere cernitur ratio et finis institutionis ipsarum. Finis autem Legum omnium nedum humanorum sed divinarum est dilectio quae unitatem operatur. Sit ergo casus ubi Legis alicujus observatio dissiparet unitatem et obesset

General Rules have exceptions in Morals as well as in Grammar; especially when particular rules are to be applied in an infinite number of ways and under differing circumstances. For these exceptions a superior law was ordained to be the interpreter of other laws, which Aristotle calls 'Epieikeia'. It is applied to the interpretation of particular laws, when the object of their institution seems to fail; for the aim of all law, human and divine, is love and unity. There may therefore be a case in which the observance of a particular law may destroy unity and be prejudicial to

publicae saluti, quis ratione utens, diceret eam tenere oportere? . . . Quod si quis interrogaret, qua autoritate fulcietur, vel utetur hujusmodi Concilium acephalum, ut videtur, sine Papa? Respondendum quod autoritate Christi capitis sui et indefectibilis sponsi; autoritate praetereà Legum suarum, tam divinae quam naturalis, quae hanc licentiam vel necessitati, vel manifestae charitati, vel religiosae pietati concedunt. Pro quo facit textus Marci ii. 23 de excusatione Discipulorum vellentium spicas in Sabbato, per legem necessitatis confirmata, exemplo David qui comedit panes Propositionis.

public safety. Who, then, using his reason, would say that the law should be kept? If anyone asks on what authority this headless Council (as it is seen to have no Pope) bases or employs its power, what shall be said? The reply is that it is based on the authority of Christ its Head and unerring Spouse; and besides on the authority of its laws both human and divine, which permit this liberty in a time of need either to perform an act of mercy or religious piety. Mark ii. 23 refers to the excusing of the disciples, who wanted ears of corn on the Sabbath Day, by the law of necessity. It is confirmed also by the example of David, who ate the shewbread.

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Haec potestas inauferabilis vel inabdicabilis est a Communitate libera, quae de rebus suis facere potest ad libitum, nec per appropriationem vel aliquam Legem potest suspendi; quanto magis hoc habebit Ecclesia? Judaisabat olim Petrus per dissimulationem: Paulus ei restitit in faciem ad Gal. ii. 11. Introducebat Petrus rem novam in Ecclesia Dei; ad Centurionem gentilem intravit Act x. subortum est murmur in Ecclesia, ita ut compulsus sit Petrus doctrinam insequi quam tradidit scriptis 1 Pet.

This power is inalienable from a free community which can deal unfettered with its own affairs; nor can it be interfered with by the law of reservation, or any law. How much more will the Church possess this power? Once Peter judaized by dissimulation. Paul withstood him to the face (Gal. ii. 11). Peter brought a new thing into the Church of God when he entered the house of the Centurion, a Gentile; and murmuring arose in the Church; so much so that Peter was compelled to follow the teaching

iii. 15 ut scilicet paratus esset coram tota Ecclesia rationem reddere de ea quae in ipso erat Fide et Spe; alioquin non sibi credidisset Ecclesia. Quanto fortius et rationabilius possunt duo contendentes diffamati apud bonos et graves de schismate, et perjurio, de haeresis suspicione, compelli rationem reddere si se cognoverint innocentes. Sic Simmachus, sic Beatus Marcellinus, sic ipse Gregorius, sic alii plures judicium subiere Concilii.

which he has handed down in his writings, 1 Peter iii. 15—namely, that he was prepared to give a reason before the whole Church for those things which were in him in Faith and Hope; otherwise the Church would not have believed him. With how much more force and reason may two men striving for the Papacy, and charged by good and serious men with schism, perjury, and suspicion of heresy, be compelled to give a reason if they know that they are innocent. As Symmachus, the blessed Marcellinus, Gregory himself, and many others submitted to conciliar jurisdiction.

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Hoc fas erit: dum tamen illud agere pia quaedam impellat necessitas, non libido seu cupiditas assumendi improbe velamen malitiae libertatem.

This will be right provided nevertheless that a certain holy necessity compels them to do it, and not the passion nor desire of improperly assuming liberty as a cloak of malice.

1417. *De Potestate Ecclesiastica*, by Gerson. du Pin, ii. 241.

Leges humanae quae feruntur generaliter possunt et debent exceptionem recipere, dum deficit ratio Legis; . . . Haec autem exceptio multipliciter nominatur; quandoque epikeia sicut ab Aristotele; quandoque Juris interpretatio, sicut a Legistis; quandoque dispensatio, sicut a Canonistis; quandoque bona fides sicut a Politicis,

Human Laws, made for universal application, must bear exceptions when the reason for their institution fails. This power of exception is called by various names; sometimes 'Epieikeia', as by Aristotle; sometimes "Interpretation", as by the Legists; sometimes "Dispensation", as by the Canonists; sometimes "bona

dicentibus bonam fidem esse, ubi non simulatur unum, et aliud agitur; quandoque dicitur aequitas, sicut ait Propheta Domino. "*Omnia Mandata tua aequitas.*" Ps. cxviii.

fides", as by the Politicians, who say that an act is done in good faith when there is no pretence of doing one thing and another is actually done; sometimes "equity", as the Prophet says to Jehovah: "All Thy ways are equity."

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Quae dispensatio si non fideliter et prudenter fiat, eam appellat Bernardus dissipationem non Dispensationem.

When this "dispensation" is not faithfully and carefully used Bernard calls it "Dissipation" and not "dispensation".

The long list of quotations given above is a sure indication of the universality of the Appeal to Necessity, which the strain of circumstances called forth. It might have been extended over many more pages, but enough has been written to prove the supremacy of this appeal above all others. There was no other way through the grave problems of the day, and it led directly to the Councils of Pisa and Constance.

What do the above quotations signify? First, they prove that Canon Law did not permit the deposition of a Pope except for heresy (nisi pro crimine haeresis, papa non possit deponi) and then only on the judgment of a General Council; but the Popes had not only proved themselves quite orthodox, they had taken special precautions to avoid scandal on that score. The calling of a General Council was a difficult problem, even had they been culpable of heresy. Canon Law knew nothing of a Council convoked by anyone but the Pope (jura positiva de concilio congregando nonnisi autoritate Papae). And there were two, or even three, Popes. Which of them should call the Council? Canon Law could offer no solution to such a novel problem.

Secondly, there is a growing, extending, and more intensi-

fied application of the argument of Necessity as the Schism proceeds. At the beginning of the Schism it is a theory; at the end it is a practical weapon. In the hands of Henry of Langenstein it is a doctrine of the schools, but in the hands of Gerson it is the rule that justifies and governs the Council of Pisa.

One cannot avoid a feeling of wonder in reading the pamphlets and the treatises written in the later years of the Schism. It would be hard to place them in their real epoch if they were given to us without date or authorship, for they are reminiscent of the sixteenth rather than of the late fourteenth and early fifteenth centuries in their point of view.

Until 1400, however, the application of the appeal to Necessity is meagre. Outside the *Consilium Pacis* it seems to have few protagonists. Before that date Gerson himself was bitterly opposed to any extensive use of it. In 1402, however, his mind changes. He is staggered by the sight of "his Holy Mother Church mangled by the wild beast of Schism with its countless heads",[1] and feels that nothing must stand in the way of peace and unity. If necessity demands it, the Pope must be "bound or put in prison" (vel ligare vel carceri mancipare). Things went from bad to worse, and the cruel beast ran wild among the sheep of Christ until the moderate Gerson could bear it no longer. He gave the fathers at Pisa a list of the methods which they ought to employ to bring the Popes to reason. They were to withdraw obedience from them, and if that failed they should deprive them of rank, and even of life. Tyrannicide was openly favoured for the sake of the end in view.

If Gerson went so far, what must have been the opinions of extremists? We have several hints. Dietrich of Niem becomes indignant "that the son of a Venetian fisherman

[1] du Pin, *Trilogus*, ii. 84. Video his oculis per schismaticam belluam infinitorum capitum, illam piam Matrem . . . lacerari.

should hold the Papacy to the destruction of the whole Church".[1] When he wrote there were three Popes, and he advised ejection as the alternative to their refusal to abdicate. Christendom must proceed, he said, "to stronger remedies" [2] and, if they fail, "it is fitting to obtain the most Holy Unity and Reunion of the Church by any means, by guile, fraud, arms, violence, power, promises, gifts, money, and finally by imprisonment and death". It would be difficult to find an example in which a good end was made to justify such doubtful means; but it is the direct result of applying the great maxims of the period—Necessitas non habet legem—Vim vi licet repellere convenit.

Thirdly, whatever may have been written in the heat of passion, or as a definite programme for practical affairs, there was a very serious consciousness of the danger present in making the appeal to necessity. The difference between *dissipatio* and *dispensatio* was well understood by the best workers for Unity. It was the Divine society that was under discussion. The formula was not so much "Necessity knows no law", as "The Church's necessity knows no law".[3] Unlike Machiavelli, the writers of the period put righteousness before rights and the Church before the individual. But we must confess that it is difficult to see how Gerson could say in one breath that the Pope must be deprived of rank and even of life, and in the next that 'Epieikeia' must be used with caution lest the peace of the Community be jeopardized.

Lastly, it is interesting to notice the source of the outstanding appeal of the times. Primarily it is to Aristotle,

[1] von der Hardt, *De Modis Uniendi*, I. vi. 75. Durum enim est dicere, quod filius unius Veneti piscatoris papatum debeat tenere cum detrimento totius reipublicae Ecclesiasticae.

[2] *Ibid.*, I. vi. 84. Dolis, fraudibus, armis, violentia, potentia, promissionibus, donis, et pecuniis, tandem carceribus, mortibus, convenit sanctissimam unionem Ecclesiae et conjunctionem quomodolibet procurare.

[3] Figgis, *Gerson to Grotius*, pp. 66 ff.

supported by suitable passages from the Old and New Testaments, and may be summarized under the collective idea of Natural Law. The Conciliar writers christened the Law of Necessity by the name handed down from ancient Greece by Aristotle. Henry of Langenstein was "the first to introduce 'Epieikeia' into the Church".[1] Gerson followed him, and the language of Aristotle became the technical language of the Age of Schism.

Two passages from leading authorities on the Period may well summarize this chapter, before we proceed to trace the practical working out of this idea. "The 'Epieikeia' of Aristotle was only used by Langenstein in reference to the Convocation of the Council. . . . Its full realization was experienced later through the Canonists of the Council of Constance. In their hands it became a magic wand which had the power of filling up all constitutional defects, of turning all existing powers out of authority, of putting new ones in their place, indeed in its full consequences of producing a metamorphosis of the whole system."[2] The practical outcome of its working was the Decree of the Fourth Session of the Council of Constance, which Figgis sums up as follows: "Probably the most revolutionary official document in the history of the world is the decree of the Council of Constance, asserting its superiority to the Pope, and striving to turn into a tepid constitutionalism the Divine Authority of a thousand years."[3]

We must now turn to the practical solution of the problem of a divided Papacy, and to the gradual application of 'Epieikeia'.

[1] Hübler, p. 365. Langenstein der sie zuerst in die Kirche einführte.
[2] *Ibid.*, p. 365.
Figgis, *Gerson to Grotius*, p. 41.

CHAPTER IV

THE WAY OUT—PRELIMINARY DISCUSSIONS

I know right well that in time to come there will be had much marvel of these things, how the Church should fall in such trouble and endure so long—but the great lords of the earth at the beginning did nothing but laugh at the Church till I chronicled these chronicles in the year of Our Lord Jesus Christ, 1390.

Froissart, p. 356.

THE outbreak of Schism was followed by a period of silence and stupor in the Church. No one dreamed of the perils which lay ahead; the nations were too busy with their newly discovered strength to care for the ills of the body spiritual; France was early deprived of her king, Charles V, and his place was taken by a maniac, whose policy was directed by unscrupulous Princes; the Empire was under the rule of the drunken Wenzel; England had a boy king; so that in their weakness and their strength the nations found little time for interference in Church matters.

For fifteen years the onus of healing the wounds of the Schism rested entirely upon the Universities and private individuals. No national or public discussion took place, the early efforts for peace being local and private, the outcome of the meditations of University doctors or the pious plans of sensitive souls touched by the spiritual guilt of schism.

The two people who might have led a public movement early in the Schism died in the same year (1380). Catherine of Siena would have approached rulers and Popes in the same spirit and with the same persuasiveness that she had used towards Gregory XI. Charles V of France died on August 16, 1380, with a prayer and an appeal for Unity on his lips. During his last illness, in the castle of Beauté, near Paris, he summoned his friends and councillors to his bedside

and made his declaration of Faith in the rightful choice of Clement VII. "All of you present know what the Cardinals have done", he said. "You have read their reports. I have followed their advice, and believed that I was thus acting with the greatest safety. I believed then, and I still firmly believe, that Clement VII is the true Pastor of the faithful." As he died he made an appeal to a General Council—"Further, I appeal to a General Council to settle the question."[1] However culpable Charles may appear in accepting the decision of the Cardinals at Fondi, and of prolonging the Schism by that act, he was the only King with a conscientious longing to restore unity to the divided Church. "His death . . . gravely delayed the unity of the Church."[2]

Charles's appeal to a General Council is interesting. It was the custom later to speak of "The Way of Cession" (Via Cessionis), "The Way of Compromise" (Via Compromissionis), "The Way of Withdrawal of Obedience" (Via Subtractionis), and "The Way of a General Council" (Via Concilii generalis).[3] But this technical language was unknown in 1380. Charles has the credit of suggesting the earliest method of unity, which after much hesitation was ultimately the only successful method.

Universities and individuals believed in the solution by way of a General Council, though at first everything was tentative, unofficial, and theoretical. Illuminating passages, unnoticed by historians, are hidden away in the treatises of the day, and throw much light on contemporary discussions. On May 20, 1381, "the University of Paris, most solemnly assembled in the Monastery of St. Bernard, Paris, unanimously agreed through the four faculties, namely, of Theology, Law, Medicine, and Arts, that the way of a

[1] Salembier, pp. 99, 100.

[2] Lenfant, p. 34. Cette mort . . . retarda aussi extrêmement l'affaire de l'union.

[3] Bulaeus, iv. 688 ff.

General Council should be adopted".[1] Nearly a month later, on June 15, 1381, the University discussed the question "whether . . . it was heretical to deny that either of those elected was Pope?"[2] These are the only recorded efforts after unity in the early days of the Schism. Their immediate practical value was nil.

But a prophet was raised up in Henry of Langenstein, the John the Baptist of the Conciliar Movement. A member of the Gernan "nation" in the University of Paris, a student of philosophy and theology, Vice-Chancellor at the opening of the Schism, he was an enthusiast on behalf of the Way of a General Council; he was ultimately called by the Emperor to the University of Vienna as Professor of Theology. Bulaeus writes his epitaph: "For the honour of the newly founded University of Vienna he betook himself thither, and both by teaching and writing he acquired a great name for learning."[3] He died in 1397, twelve years before his prophecies and dreams were fufilled.

His earliest known work, the *Epistola Pacis* (1379), is important for its appeal to a General Council, but its argument is far behind that of his later work. After a brief prologue a dialogue opens between a partisan of Clement and a partisan of Urban. The pros and cons of the respective elections are discussed, and the Clementine supporter concludes with the need of calling a General Council.

The *Consilium Pacis*, echoing as it may the title *Defensor Pacis* of half a century before, is the most enlightened work

[1] du Pin, *Consilium Pacis*, ii. 826. Anno Domini MCCCLXXXI die xx mensis Maji Universitas Parisiensis, solemnissime in Monasterio S. Bernardi Parisiis congregata, concorditer determinavit, per quatuor Facultates, scilicet Theologiae, Decretorum, Medicinae et Artium, eandem esse tendendam.

[2] *Ibid.*, *Consilium Pacis*, ii. 823. Utrum . . . haereticum sit seu schismaticum aliquem electorum negare esse Papam.

[3] Bulaeus, iv. 950. Pro decore novae plantationis Universitatis Viennensis illo se contulit, et tum docendo, tum scribendo, magnam gloriam suae eruditionis acquisivit.

of the times, and contains the germs of all later thought. If somewhat "doctrinaire" in its teaching, this is because it had not the pressure of the events of 1408 and 1409 to keep it in touch with living facts. No one can understand the Conciliar Movement, however, without a thorough knowledge of its argument.

The work is divided into three parts. The first part seeks to establish the proposition that the Schism is the occasion for reforming the Church; the second part, from chap. iv to chap. xvi, lays down the writer's cherished plan of Union by way of a General Council; and the remaining chapters are concerned with a fearful picture of the corruption of the whole Church in head and members.

Sin is the cause of Schism. "Lies are extolled, truth is proscribed, the Sun of Justice is eclipsed, the moon of worldly gain is worshipped; things are done because they are pleasant, and not because they are right."[1] People must throw off their stupor. The "opportunity for Church Reform" (ecclesiasticae emendationis ansam) has arrived. "Let us hope that this tribulation was allowed by God for a purpose, and that it will in the long run turn out to be for the necessary and urgent reformation of the Church." Chastisement is the sign of divine love. "When, therefore, the face of flattering fortune is turned and we are burdened with troubles and enveloped by Satan's wiles, in the perplexities of the present Schism, let us not think that they who suffer such things are alien from Christ, but that we are thereby made more like Him."[2]

Repentance is necessary. God must be sought "publicly

[1] du Pin, ii. 809. Extolluntur mendaces, proscribuntur veraces. Religio exulat, apostasia regnat, Sol justitiae Eclipsetur, Luna terrenae secularitiae adamatur. Quoniam non ea quae Dei, non quae justitiae sed quae placita sunt, aguntur.

[2] *Ibid.*, ii. 810. Speremus hanc tribulationem a Deo non gratis permissam, sed in necessariam, opportunamque Ecclesiae reformationem finaliter convertendam.

in fasts, penitence and Prayer"; and a Council must be called. "In the name of Jesus Christ let us call a General Council, to purge His Church from the iniquities and various excesses which are too common in these days, and, having removed these causes, to uproot the present division in the City of God which this loathsome and horrible Schism has produced" (quae schisma peperit tetrificum et monstruosum). The Apostles held four Councils. Isidore is quite convinced that when there were no Councils, from the times of the Apostles to the reign of Constantine, Christianity was riddled with heresy (Christianitas in diversas haereses scissa est). Councils were wisely called later for very small matters. "Why now, when hatred, various errors, ecclesiastical enormities are multiplied among men, should not Councils be called to correct and purge evils from the face of the Church?" Small matters can be dealt with by local Councils, but "that which concerns all should be rightly and duly dealt with by all or by representatives of all".[1] No other remedy is sufficient.

The General Council is always effective because it is superior to any other power in the Church. "The Universal Church, of which the General Council is representative, is superior to the College of Cardinals, and to any other particular gathering of the faithful, and to every person of whatever rank or power, even to the Lord Pope in certain cases."[2] "If the Pope is guilty of notorious crime Canon Law admits that he can be accused and subsequently judged." Any community must have an authority to which it can

[1] du Pin, ii. 822. Cur modo, jam multiplicatis hominibus, et malitiis, et variis erroribus, et ecclesiasticorum exorbitationibus, Concilia aggregari non deberent, pro corrigendis et abstergendis hujusmodi maculis a facie universalis ecclesiae. Quod enim omnes tangit, ab omnibus, vel vice omnium tractari debet et convenit.

[2] *Ibid.*, ii. 824. Universalis ecclesia, cujus concilium generale est repraesentativum, est superior Collegio Cardinalium et omni alia particulari congregatione fidelium, et omni cujuscunque dignitatis, et praesidentiae persona, etiam domino papa in casibus inferius exprimendis.

appeal in case of need. "Reason dictates, custom makes wont, nature commands that in every college, community, and polity, recourse should be had to the General Council of that body in the event of any case of special emergency arising, concerning the whole." [1] To sum up: "The Universal Council cannot err nor be liable to mortal sin . . . therefore it is superior to the College of Cardinals with the Pope, since the latter has not this prerogative."[2] If need be, it "can deprive the Cardinals of their power of electing a Pope and elect one itself".

Kings must imitate Charles V of France, of blessed memory. He wanted to submit to the judgment of the General Council. Let Kings and Princes submit to conciliar settlement (conciliali determinatione), especially in those matters touching the miserable Schism "which we now lament". They must put aside their own personal hatreds and agree on a Council "for the general league of Peace" (pro generali foedere pacis).

Who shall call the Council? Many examples are given from history to prove that Kings and Princes were anxious to summon General Councils for the good of the Church. But Henry of Langenstein leaves the question of convocation to circumstances. German writers were inclined to give it to the Emperor; French writers to the King of France, but, for the time being, he merely urges "our kings and princes" (nostri reges et principes) to consider their duty in the problems of the day. He would no doubt have supported the Cardinals in their action at Pisa.

The third part of the treatise is an outspoken attack on the

[1] du Pin, ii. 825. Ratio dictitat, consuetudo frequentat, natura jubet, quod in omni Collegio, Communitate et Politia, sic sit, quod emergente aliquo casu arduo et speciali, tangente Rempublicam recurratur ad Concilium magnum illius Collegii vel communitatis.

[2] *Ibid.*, ii. 824. Ecclesia universalis non potest errare, nec mortali peccato esse obnoxia itaque est superior Collegio Cardinalium cum Papa, quia hanc praerogativam non habet.

evils of the Church at large, and no writer could describe more graphically the dark places in contemporary ecclesiastical affairs.

The *Consilium Pacis* is a call to action rather than a plan of campaign. It is the warning of a Prophet rather than the mature scheme of a statesman. But it contains all future ideas in germ, including the appeal to 'Epieikeia'. If it is not practical enough in its lead to Christendom, that is because events had not reached a crisis as at Pisa; and if it is not as liberal as some later works, that is because passion had not been raised by the long continuance of the Schism. At any rate, it points the way to the solution which was finally accepted, and lays down the vital principles which were later to bring about unity.

Conrad of Gelnhausen reached almost the same conclusions in his *Tractus Congregando concilio tempore schismatis*,[1] written about the same time as the *Consilium Pacis* and dedicated to Charles VI of France. "It is expedient, possible, and necessary that a General Council be called" (expedit, potest et debet concilium generale convocari). Councils were called for smaller matters in time past. If people say that it was easy to call a Council when Christians were few in number, they should be assured that the method of representation is sufficient. Some people object to a Council in the present problem of the Church because Councils are usually called only to settle points of Faith, but "the present question is entirely a matter of Faith, since it concerns Him at the Head of Faith on earth". A Council is the most urgent need of the times.

Conrad's view of the Church is one which helped many pious souls to endure the enigma of a Schism in the Head of the Church. The Church is the union of the Faithful in the unity of the Sacraments. The primary Head of the Church is Christ; the Pope is only the secondary Head.

[1] Marténe et Durand, ii. 1200 ff.

The Pope may fail, though the Papacy cannot be entirely lost. In times like the Great Schism, or during a vacancy in the Apostolic See, Christ remains the "sound and unfailing" Head (sanum et indefectibile). "The Church cannot therefore be headless, since He promised to be with us all the days until the end of the world. This promise is a great consolation to us during this troublesome Schism, because it means that we always have Christ as the Bishop and Shepherd of our souls."[1] On these grounds a Council may be called without the consent of the Pope. It is useful to compare Gerson's presentation of the same theory of the Church: "O Saviour Christ", he says, "Thou art Our Head, from whom all the life-giving affections and feelings freely flow, and therefore Thy Church can never be Headless, nor widowed of her Spouse."[2]

The work of Conrad shows signs of hesitation in the early days of the Schism. It does not even suggest a definite power competent to summon the Council. In one passage the author has hopes that the Popes may be conciliatory. "In the present Schism both Popes must consent to the summoning of the Council of Peace, if they show that they walk in the Light and are children of the Light and heirs of Christ."[3] He does not dream that the Papacy as an institution can fail, and is careful to show that the Hierarchy is divine. He concludes with a long appeal to the King of

[1] Martène et Durand, ii. 1200 ff. Unde acephala esse non potest, eo quod promisit se nobiscum fore omnibus diebus usque ad consummationem saeculi, quae promissio cadit in maximam consolationem nostram in hac schismatica tribulationi; semper enim habemus ipsum episcopum et pastorem animorum nostrorum.

[2] du Pin, ii. 125. Gerson, *Propositio coram Anglicis*. Salutifer Christe, caput nostrum es, a quo fluunt in Ecclesia sensus omnes et motus vivifici, spirituales ac gratuiti, ac proinde nunquam Ecclesia tua esse potest acephala neque te sponso suo viduata.

[3] Martène et Durand, ii. 1200 ff. In causa schismatis praesentis ambo domini electi in papam debent consentire convocationi concilii pacificantis quatenus in luce ambulantes seu filios, lucis et Christi haeredes ... se ostenderent.

France for practical measures in bringing the Schism to an end.

Conrad and Henry had sown the seed which would later ripen into a rich harvest; but there was a long time of waiting before that end could be achieved. Perhaps the most liberal sentiments expressed were in reference to the members of the Council. "The General Council", says Conrad, "is the Congregation of many or the majority of the people duly called, representing or standing proxy for the various ranks, orders, and sexes of the whole of Christendom, who desire to come themselves, or to send representatives to discuss the common good of the Universal Church in one common place." Such a definition led directly to the liberal ideas by which laypeople were given a right in the Council—not only to be present, but to vote. A complementary idea, namely, that Mother Church might be saved "in any faithful man or woman . . . as when all the disciples fled it is believed to have remained in the Virgin Mary", was frequently used in later years to carry out revolutionary programmes. And the dual nature of the Church, inwardly spiritual with Christ as its Head, outwardly visible with the Pope as its Head, led directly to the Reformation belief in a spiritual and invisible Church.

Meanwhile the Way of a General Council tarried. The difficulty was to know in what place and by whom it was to be called. "It appeared to be impracticable, as much because of the length of time it took to arrange for it as because of the two Popes and their parties. If the Papacy was awarded to one he would not be regarded as Pope by the subjects of his competitor, and there would be no Union after all."[1]

The truth is that in those early stages public opinion was on the side of Canon Law. The appeal to 'Epieikeia' had been made, but had not been universally accepted. Henry of Langenstein knew how great the difficulties were when he

[1] Lenfant, pp. 78 ff.

devoted a chapter of his great work to "Twelve Doubts against the Power of the Council to Allay the Papal Schism". Can the Council judge the Pope? Can the Council even be called by any power but the Pope? Is not the first duty to find out the rightful Pope before the Council is called? Would the decrees of the Council be binding on Christendom if the Pope did not convoke it? These were the questions which naturally arose in the minds of the majority, and the Way of a General Council fell into the background. The more people thought about it the more impossible it seemed. Another solution had to be found.

CHAPTER V

THE WAY OF CESSION

Et hanc viam (Cessionis) Princeps Christianissime, ad celer conveniens et efficax hujus plagae lethiferae remedium caeteris in hac nostra Epistola contentis anteponimus.

Bulaeus, *Epist. Univ. Paris, ad Regem Francorum directa super Schism. sedando et unione ponenda in Ecclesia*, iv. 687.

THE Way of a General Council had failed to commend itself to the Christian world because of the almost universal fidelity to the law of the Church. It was all very well for individuals and universities to discuss the Theory of a General Council, convoked by Kings or Cardinals, and composed of Lay people as well as of Clergy, but the difficulty was to find men of sufficient courage to carry out the scheme in practice. As late as 1391 Gerson was urging the King of France to imitate his great predecessors, Charles the Great, Roland and Louis, and to take practical steps towards the removal of Schism. "You see", he said, "how already we have had division for a space of twelve years."[1] It was quite clear that the only way to obtain a practical scheme for the Unity of the Church was to look away from the Way of a General Council to the more hopeful way of voluntary Cession, or the willing abdication of one or both Popes.

The stupor and silence of the majority began to melt before the increasing perils of the Schism. Facts were strong and too terrible to allow of further delay. The experiences described in Chapter II were fast becoming universal, and the efforts for Church Unity were passing out of their local and private boundaries into the wider field of corporate action. France was the first nation to wake up to the significance

[1] du Pin, *Sermo in die Epiph.*, iii. 989. Videtis quomodo jam per spatium annorum est divisio duodecim.

of the situation. She regretted her decision in favour of Clement VII. According to the Monk of St. Denys, "He destroyed by the sufferance of the King and the great men of the Council all the liberties and ancient usages of the Churches of the Kingdom."[1] The University of Paris made a determined stand in January 1394. It was the first gathering in earnest. Something had to be done to save the Church from the evil heritage of two stubborn Popes and the results of division and disorder.

A ballot of the University was taken.[2] The majority of votes fell in favour of the Way of Cession and the complete renunciation of both Popes as "the speedy, convenient, and efficacious remedy"[3] (celer conveniens et efficax remedium); next in favour came the "Way of a Particular Council, or the mutual and submissive Compromise of both Popes to serious men (in aliquos solemnes viros), whom they should cause to be named, or to some others duly and canonically elected (in aliquos alios debite et canonice eligendos), who are placed in high position and authorized to discuss and determine"; the Way of a General Council received the least number of votes. "It is the first desertion of the Avignon Pope and a new way of regarding the solution."[4]

Nicholas of Clémanges summarized the proceedings in a letter to the King, who agreed with the vote. The University rejoiced. "We are most fortunate", they said, "in having such a King. We give Thee unbounded thanks, Most Clement Christ, for putting this Holy wish into the King's heart."[5] The letter of Nicholas was translated into French, and the Way of Cession became alike the public and private policy in France.

[1] Lenfant, p. 31 (quoting the Monk of St. Denys).

[2] After the Doctors had delivered their theses into the chest in the Convent of the Maturins and the solutions had been reduced to three.

[3] Bulaeus, iv. 687.

[4] Salembier, p. 132.

[5] Bulaeus, iv. 687.

The cleverness of Benedict, however, nearly wrecked the Movement at the outset. He offered Nicholas the post of "Secretarius Aulae Pontificiae", and the writer of the letter on Cession yielded to the offer. Pierre d'Ailly, a great supporter of the National Policy for restoring unity to the Church, was promoted to the Bishopric of Cambrai (April 1395), and the Cession Movement devolved almost entirely upon one man—the new Chancellor of the University, Jean Charlier de Gerson, "one of the most ardent petitioners for the Way of Cession".[1]

The general conditions of the time are well described in Gerson's *De Modo Habendi se tempore schismatis*, although this work was written as late as 1398 or 1399.[2] The Chancellor had made a temporary withdrawal to the Deanery of Bruges, offered him by the Duke of Burgundy in 1396 or 1397. There he saw the evils of Schism magnified a hundredfold. The people of Flanders leaned towards England for commercial reasons, and, independently of France, they joined the Obedience of Rome. On the other hand, the Bishops were obedient to Avignon, whilst the ordinary Clergy followed the people. When Flanders passed over to the Duke of Burgundy in 1398 conditions were intolerable. "The Urbanists of Bruges refused to hear Mass said by Clementine Priests. They made their Easter Communion at Ghent so as not to communicate *in divinis* with schismatics. Urban's partisans and Clement's had no more relations with each other than formerly the Jews had with the Samaritans."[3]

The obediences were divided; they regarded each other

[1] Lenfant, p. xxx.

[2] Schwab's date (see Appendix A). This treatise reflects the conditions of the schism well, and has frequently been given an earlier date, e.g. by du Pin. But the reference to *Patria Flandrensis* and to the later Way of Withdrawal shows that it was written later.

[3] Salembier, p. 105. Salembier has made a special study of Flanders from his point of vantage at the Catholic University of Lille, and had therefore access to the best MSS.

as heretics, and the one side looked on the Sacraments and Orders of the other as null and void.

The same process went on throughout Europe. No country was wholly Clementine, or wholly Urbanist, even in the early days of the Schism. The ruling party took the line which was best for political or commercial reasons, but there was always a section to whom other motives appealed. "It is well to note that even in the countries that are faithful to Clement there is always a more or less numerous Urbanist party to be found; and it is the same with regard to Clement in the provinces which acknowledge Urban." "Sometimes the same ecclesiastics, like the Bishops of Bâle and Constance, like William de la Voulte, Bishop of Valence and Die, will offer their allegiance first to Urban and then to Clement." "At Dax the opposite happens; the Bishop John Beaufaix will go over to Clement. At Bayonne the Chapter will be divided between the two jurisdictions; part of the Diocese will support Urban, and the rest Clement. Gascony becomes a regular chess-board. At Coire, the Head of the Diocese will hold to Rome, while the Chapter inclines to Avignon. Sometimes, as at Liége, the Clementine Bishop will be overthrown by his people and his successor receives the Bulls of Urban. Some Dioceses will have two Pastors at once, and some Monasteries two Abbots; some religious orders, like the Carmelites, two Generals; and a few orders of chivalry two Grand Masters."[1]

It was under circumstances such as these that Gerson wrote his treatise. "He sought," says Schwab, "by arousing the sense of Consciousness of the oneness of the Communion of the Church, even in Schism to reconcile this quarrel."[2] There is only one solution to the Church's dilemma, and that is by the Way of Cession. "It is better, juster, safer",

[1] Salambier, p. 73. Again Salambier has the advantage of his close touch with the MSS. of Flanders.

[2] Schwab, p. 154.

he says, "to seek the unity of the Church by resisting the Rivals for the Papacy, and this by way of Cession of both of them . . . than to ravish or terrify subjects by Censure of Excommunication . . . or that one part of Christianity should be completely separated from the Communion of the other."[1] The reason is given. "Since, where there is a root and origin or a first cause of schism, there eradication must be made, and an antidote must be chosen for gaining unity."[2] The Contendents have given, and will give, scandal, they must be removed for the necessity of salvation (de necessitate salutis). Everybody must seek peace by prayer, advice, or teaching.

The key to the situation is "brotherly love" (fraterna caritas), or "brotherly communication through love" (communicatio fraternalis per charitatem). Divisions and subdivisions are disastrous to the real life of the Church. "It is not expedient for one part absolutely to avoid the other and to make a cleavage in the chief acts of the Christian Religion, and to violate brotherly love."[3] "For it is true that singularity in one's own opinion which obstinately condemns other people seems incomparably worse and more dangerous than brotherly communication through love, which is the bond of the members of the Church under the dutiful and constant intention of obeying the Church." The three parties—those of Rome, Avignon, and Neutrals—can work well together on the basis of Christian love. But rules are necessary. It is false to think that people can adhere first to one side and then to another "without danger of schism or damnation". "I know from experience", writes Gerson, "that such things profit nothing, nay they have done more harm, since from day to day greater intricacy follows." Neutrals have sufficient recourse to their Ordinaries, on whom, they believe, the power of ruling the Church has devolved. There must be variety in Unity and Unity in

[1] du Pin, ii. 4. [2] *Ibid.*, ii. 6. [3] *Ibid.*, ii. 6.

variety. Gerson concludes with an analogy from Geometry. Men must look to one centre, namely, to God and His Honour after the manner "of right lines directed to the same centre not impeding, nor crossing, nor cutting each other".[1]

This treatise gives an insight into the intricacies of the period. The reference to the Way of Withdrawal of Obedience shows that it was written after the period under immediate discussion, but this method of solving the problem was as yet in embryo. Gerson has given us a wonderful picture of the conditions under which the Way of Cession was adopted.

For the details of the Way of Cession itself we must turn to the letters of Jean de Varennes. After all, Cession depended on the initiative of the Popes for its success, and it is precisely because of this fact that Varennes wrote such clear and unmistakable words to Benedict at Avignon in 1394 and the following years.

The first letter begins with a review of the Pope's election. The writer deplores the election of a new Pope at Avignon on the death of Clement, and feels that the Cardinals would have been well advised not to elect another Pope until the question of the Unity of the Church had been clearly faced. The letter is an appeal to Benedict on behalf of the Way of Cession. The Pope answers with his usual skill. He thanks the writer for his zeal, and wishes him to understand that the Papacy was only accepted with reluctance and by an overwhelming desire to give unity to the Church, "which peace and Union", the Pope continues, "we intend to pursue in every possible way, other things being left alone".[2] This was a vague answer. Cession was no doubt an impossible way for him.

Varennes attempted a further letter in stronger terms and

[1] du Pin, ii. 7. Ad exemplum linearum rectarum ad idem centrum directarum, non se mutuo impediunt, intersecant vel confundunt.
[2] *Ibid.*, ii. 842 ff.

in more detail. He quietly reminds the Pope of a vow taken before the Papal election, in which Cession was openly accepted. Will not the Pope act upon it? Some ways of bringing the vow into practical execution are added. Benedict is to assemble a Council at Lyons, where he shall invite the Kings and Prelates of his Obedience—"The Kings of France, Spain, Aragon, Navarre, and Scotland, together with the Dukes and Princes of his Obedience." They are to meet in strict humility, "all pomp whatever being cast aside"; the Prelates are to be strictly warned against luxury. "The greater of them shall not bring more than eight horses . . . , and eight horses shall suffice the Patriarchs, or the Primates, or the Archbishops, six the Bishops, and four the Abbots, and the Heads of the Religious Orders." Two or three doctors shall attend from each University. There can be no objection to such a Council. The Pope will preside, and the usual Mass and religious services will be held. The purpose of the Council shall be clearly expressed in Apostolic Bulls, "namely, that in it Our Lord Pope intends first that the Church shall be reformed, and that secondly it shall be reunited even if need be by including the Way of Cession" (October 1395).

Between the dates of these two letters an event of great importance had taken place, for on February 2, 1395, the first official and National Council for removing the Schism was held in the Royal Palace at Paris. Great interest was shown in its decisions. Fifty Archbishops and Bishops, a great number of Abbots with Doctors and Deputies from the Universities were present, and the meeting adopted a definite and unanimous policy. They concluded that the Way of Cession of the two rivals was the most prompt, the surest and most suitable way to unity. For three years this was the public policy of France.

An embassy was sent to Benedict to advise him of the decision, being commissioned to secure a secret audience

with the Pope. In accordance with the decisions of the University of Paris and of the National Council, they were to refuse the Way of a General Council and the Way of Compromise, as full of difficulties, and only to accept the Way of Cession. The Pope must renounce his office as humbly as he had accepted it. If there occurs a shorter and better way than Cession, the Pope might suggest it.

The ambassadors had secret proposals given to them in case Benedict should accept the Way of Cession, and these are very important for a clear understanding of the whole movement. The Way of Cession was to be a dual movement against both Popes. The Leaders of the Roman, as well as those of the Avignon Obedience, were to induce their Pope to cede. "When the Princes of the other side have agreed on this way, and when they have induced the Intruder and his Anticardinals, then the two contending parties will approach each other in two neighbouring towns of the two Obediences—and there certain great and noble Lords, accompanied by Prelates and Doctors of both sides, shall be chosen. With them it will be easier to regulate the practical details connected with Absolutions, Expenses, Revocations, Confirmations, Creations, so far as is necessary for the Cardinals, Prelates, or beneficed Clergy—and even to bring about a good and complete pacification and reconciliation between the competitors and their partisans."[1] The Popes would then come with their colleges to the same town and execute this important treaty in person.

The supreme question, however, still remained. How could a new Pope be elected? It would be necessary to "agree on a new form or means of electing the future Pontiff". Strangely enough, the new election is to take place without the Cardinals. "In order to avoid the remains of a spirit of hate and division between the Cardinals of the two Obediences who might be obstinate on behalf of their Chiefs, in

[1] Lenfant, p. 80.

order that it may be more agreeable to the people, it should be carried out—only for once—without their participation." Benedict and his rival must agree on eight or nine Arbitrators with the consent of the Cardinals. These must be men of position and character, and men without prejudice. After a "solemn oath to be faithful to the Church, they will be allowed to elect a Pope from within or without the two colleges, setting aside any feeling of love or hate so that he who has the majority of votes shall be regarded as fully and canonically elected".[1]

The embassy had many interviews with the Pope. The King of France had invited the Pope to confer with the embassy "as if he himself were there in person". Gilles des Champs told the Pope that France was ready for the Way of Cession. The Bishop of Senlis created a storm by demanding a copy of the document signed by Benedict before his election and promising Cession. Benedict's faithful Cardinal Pampeluna had tried to conceal it, but means were employed to obtain it and send it to the King. There was no doubt about the fact that Benedict was a perjurer.

The clever Pope had only one outlet, and that was by his usual method of counter-suggestion. He proposed that both Popes should negotiate for Union. A town under French protection was to be chosen, to which both Popes should travel, and here they were to continue their discussions until union came. The embassy saw the chicanery of the scheme, and refused the offer; Benedict therefore asked for details of the Way of Cession in writing. The answer was not to be misunderstood. There was no necessity for writing, the whole of their propositions could be summed up in one word of two syllables, "Cession". The Duke of Berri pleaded that the Way had been approved by an Assembly almost General of all the French Church and of all people of power and knowledge in the Kingdom. Even the Cardinals of

[1] Lenfant, p. 80.

Benedict were in favour of it, and the Pope stood alone. He remonstrated angrily, saying that the method of the embassy was based neither on law nor on the proceedings of the Holy Fathers; that he would only surrender the discussion to the Arbitrators if the Popes failed to come to an understanding themselves; but that he would receive any other Way which was reasonable, honest, and legal. The conversation ended by flat contradictions on both sides, which made the Princes smile.

The last scene is ludicrous. The ambassadors were dissatisfied with subterfuge. They went direct to the Cardinals, who had themselves embraced the Way of Cession. The Cardinals in their turn begged the Pope on their knees, in the name of the King, of the Clergy, of France, of the College of Cardinals, and of the Faithful, to allow himself to be persuaded and to have compassion on the cruelly torn Church. With this the embassy returned to Paris to make their report to the King.

The Way of Cession had failed. Why? For one reason only —because the Popes were stubborn. Benedict had refused to respond to the solicitations of France, whilst Boniface IX refused to have anything to do with the Way of Cession which was decided at the Diet of Frankfort for the Roman Obedience.

Two moments might have witnessed the end of the Schism had a spirit of humility prevailed. In fact, the Way of Cession was the very method appropriate to the two occasions. On the death of Clement (September 16, 1394) the King of France despatched an Embassy to Avignon with a letter that was to be delivered to the Cardinals before they entered the Conclave. Suspicion was aroused by it, and the letter was kept under seal until the election was over. "Never could there be again such an opportunity for healing the Schism; it was as though the Holy Spirit stood at the door and knocked."[1] The second occasion was at Rome, when

[1] Creighton, i. 146.

Boniface died. The legates of Benedict were in Rome at the time, and the Roman Cardinals asked them if they had command or power from Lord Benedict to offer the Way of Cession, because, if so, "they were disposed to stop their election and to go forward with the work of Union". The Embassy replied to each question in the negative, and though the Roman Cardinals were willing to await a communication from Avignon, the embassy knew the mind of Benedict too well to hesitate.

The Way of Cession was repugnant to men who put the honours of the Papacy before the salvation of the Church. If the fear of breaking the law had made the Way of a General Council an impossibility, the greed and selfishness of the Popes made the Way of Cession a futility.

CHAPTER VI

THE WAY OF WITHDRAWAL OF OBEDIENCE

If the Pope would not accept the Way of Cession the French Church must adopt the Way of Secession.

Bruce, *The Age of Schism*, p. 143.

THE Way of Cession was a very mild measure. It was "voluntary", and depended entirely on the good will of the Popes to cede. When the early suggestion of the Way of a General Council had failed because of the rigours of Canon Law, it was felt that an appeal to the good will of the Popes would avoid any such legal breach. The Way of Cession was the result. As Hübler, with his keen legal bent, explains, "The knowledge of the difficulties which positive Law set against the removal of Schism, had already in the Memorandum of Paris University (1394) recommended the voluntary abdication of the Pretenders as the safest way for the restoration of the Unity of the Church."[1] Eighteen years had been devoted to the strictly lawful and steady attempt to save the Church.

But about the year 1396 a change is evident. "Instead of acting contructively, they henceforth acted destructively."[2] Mild measures had proved useless before a powerful and stubborn Papacy. The historian plays on the Pope's name (Peter de Luna). "Luna", he says, "is unstable, changeable, he waxes and wanes, he does not know how to keep a steady course."[3] No one could believe his word. The only remedy was to apply the principle of Necessity. From this time forward the methods of the workers for Church Unity are not carefully planned schemes of *doctrinaires*, but methods called out by circumstances, and justified only by the claims

[1] Hübler, p. 367. [2] *Ibid.*, p. 368.

[3] Theod. Vrie. von der Hardt, I. i. 187. Luna in stabilis est, mutabilis est, crescit, decrescit, in eodem sistere nescit.

of utility. The call of the study gave way before the call of the street, until Pierre Plaoul dared to say in the Paris Council of 1406: "It is not at all necessary to keep the order of Law, for while we work to keep the order of Law Christians perish."[1] The next move therefore was based on force. It was technically called the Way of Withdrawal of Obedience; but was really an attempt to force Cession on the Popes. Whereas Cession had rested before on the good will of the Popes to carry it out, now it rested on the Power of the Christian Community to enforce it. Any measure was felt to be right if it attained that object. The good of the whole Church demanded it.

The victory of the new move was evident in the National Council for Unity held at the Royal Palace on May 22, 1398. The King was ill at the opening. The Dukes of Berri, Burgundy, Orleans, Bourbon, Charles III of Navarre were present, with the Patriarch of Alexandria, the Archbishops, Bishops, Abbots, Prelates, Proctors of Chapters, Rectors, and Deans of the University of Paris, deputies from the Universities of Orleans, Anjou, Montpelier and Toulouse. At that time Hungary, Bohemia, Aragon, Navarre, and, indeed, all countries without intimate knowledge of the character of the Popes, were in favour of voluntary Cession. France was near enough to Avignon to know where the failure of any voluntary movement lay, and her appeal was to force. Simon de Cramaud, whose experience as Bishop of Beziers (1383) and of Poitiers (1385) gave him authority to speak with knowledge, when describing to the Assembly the efforts made to restore Unity by way of Cession, attributes the failure to Benedict's obstinate refusal. "Since Benedict obstinately refuses", he continues, "we must find out whether the Church of France is going to throw off all obedience so far as he is concerned, or whether a partial withdrawal of allegiance would suffice to make the Avignon Pope reflect."

[1] Lenfant, p. 152.

Six disputants were chosen to discuss the subject from either side. The Archbishop of Tours and the Bishop of Mâcon were among those who spoke for Benedict. They declared that heresy alone could impair the allegiance of subjects to the Pope. The Patriarch of Alexandria, the Bishop of Arras, and the ardent Abbot of St. Michel were among those who took the side of the University. Their argument was based entirely on the principle of Utility. The Popes, they say, stand in the way of Unity, and therefore must be rejected. After discussion, the vote was taken, and 247 votes out of the 300 votes recorded were in favour of the Way of Complete Withdrawal. Froissart's opinion was "that the University had the greatest voice".[1] Total withdrawal meant a complete rejection of the Pope, in both spiritual and temporal matters. Partial withdrawal or withdrawal of the Pope's Patronage over benefices and exactions from the Papal Curia had been discussed, but was not thought to be effective. The Pope was like a diseased member of the body, and must be completely severed from it lest the whole body should perish. An edict of Withdrawal was published on July 28th, and was registered in Parliament August 29th. The Assembly was a clear proof of Gerson's statement, "The great part of the Catholic world is neutral."[2]

Bulaeus has preserved for us what is probably the most interesting document of the Schism, with the exception of the great treatises on the Way of a General Council. Its title is arresting. "On the Inconveniences which may occur because of the Withdrawal of Total Obedience. The following remedies have been advised."[3] English Churchmen are doubly attracted by it because it is an account of a Church suddenly transformed from Papal to Episcopal Government by an extension of the Power of the Ordinaries. In cases of

[1] Page 457.
[2] du Pin, *Tract*, ii. 16. Magna pars catholicorum est neutra.
[3] Bulaeus, iv. 154.

Absolution and Penance for sin "expressly reserved for the person of the Pope", appeal shall lie "from the Bishop to the Archbishop and from the Archbishop to the Provincial Council, which shall be held once a year." "As for those who are bound to the Pope by oath on pain of Excommunication", it was agreed "that on the cessation of Obedience the said obligation is suspended and that by non-payment neither perjury nor sentence is incurred." The King and the Church would provide that "henceforth and for ever all exactions . . . should cease", but if the Pope had real need of money "they could easily advise another way of providing for his condition". Such cases as political marriages for the peace of two Princes needing dispensation could be arranged by the Ordinary or by the Cardinals. "The King and the Church of France would not allow the Pope henceforth to usurp, confound, nor in any way overpower, as for some time has been the case, the power and authority of the Prelates of the Church of France as to Collation and disposition of Benefices (all of which has been done against the Law, the Authority of the Holy Canons and Councils, and the good of the Policy of the Church), that the Church of France may be brought back to its ancient liberties and usages." Objectors are silenced by threat. "They are bound to conform to the decision of the King, and to put away their scruples, and if they do not wish to do so the King might and ought to provide means according to the public statements of the Chancellor." The Chancellor was Arnaud de Corbie, who, during the Council, forbade anyone to speak against the decision when it had been made. The Duke of Berri showed the spirit of the Council when he declared that "whoever is rash enough to venture upon such an attack will be deprived of his benefice if he be a member of the Clergy, if he be a layman he shall be handed over to the secular arm for exemplary punishment".

Benedict replied in the same spirit. He was disgusted with

the entire breach of Law within the Assembly. His legal training made him bitter. Moreover, he complained that he had no security from the rival Pope that Cession would be a mutual matter, and, being a Spaniard, and not bound to France, he determined to fight to the end. Marshal Boucicaut was commanded to hold him prisoner in Avignon. His Cardinals forsook him in a body. The Pope pretended to be beaten. The people of Avignon left him to defend himself. The formidable Papal castle was sufficient, with the help of the Papal soldiers, to keep the enemy at bay. During an attack the Pope himself was injured by a piece of stone. After two months' siege, either because of needless loss of life or as a matter of policy, Marshal Boucicaut arranged a truce, and the Pope remained a captive in the castle. A letter at this time to Charles VI shows the feeling of the Pope. "My dearest Son," writes Benedict, "knowing these things as you do, I cannot be sufficiently astonished to see myself defamed and unworthily imprisoned, and not to have been worthy of your help for my liberty." The King answered that when Benedict was elected the people all felt that he was the one man to bring Unity to the Church. If violence has resulted the Pope must remember that it is entirely due to "his own perseverance in not fulfilling his oath".

The effect of the siege of Avignon was disastrous to the cause of Unity. Such immature use of force divided the moderate men from the extremists for a long time. There was no need for measures of this kind. Even necessity could not warrant such an outburst of furious zeal. It led to war. Preliminary signs are noticeable in the University of Paris itself. "The Academy of Paris", says von der Hardt, "always joined its counsels to Gerson before it decreed the Withdrawal of Obedience from Pope Benedict until he should embrace the Way of Cession" (1398);[1] however, "when the

[1] von der Hardt, I. iv. 36. Academia Parisiensis sua semper junxit consilia Gersono Cancellario donec 1398.

decree of withdrawal was passed by collective vote Gerson was not present" (quod subtractionis decretum cum per vota collecta formaretur Gerson praesens non fuit). It is to Gerson, therefore, that we must turn for the mind of the moderate party.

The mind of Gerson is clearly expressed in the *Protestatio super statum Ecclesiae* (1400–2).[1] Some members of the University want to force Cession on Benedict by accusing him of heresy and schism. "I, John," he protests, "unworthy Chancellor of the Church of Paris" (Ego Joannes Cancellarius indignus Ecclesiae Parisiensis) "seeing, as I do, real future dangers to the Faith and to the Christian Religion, declare and bear witness before this faculty of sacred Theology to the things which follow."[2] Much as he wants to support the King and Kingdom on the question of Church Unity, he cannot endure a false attack on the Pope. "Since it is publicly rumoured", he says, "that some people want to regard the present matter as heresy or schism by imposing such charges on Lord Benedict, and by aiming in this way at his deposition and ultimately at the persecution of all those adhering to, or about to adhere to, him, I, compelled by conscience, signify that this now and always has appeared to me unnecessary and deeply inexpedient."[3] Divisions will increase, schisms will abound, and the Church and Nation will suffer. He therefore washes his hands of all connection with extremists. "If the aforesaid accusation is made", he continues, "in the name of the University, or of the Faculty of Theology, I, least of them, but a faithful son, zealous for the name of the University, and because I am bound by my office to see that errors do not spring up in the University, bear witness

[1] du Pin says 1395, but "expectando deliberationem Generalis Concilii hujus Obedientis" can only be said of 1400–2. See Appendix.

[2] *Ibid.*, ii. 1.

[3] *Ibid.*, ii. 2. Ego coactus conscientia, significo quod istud nunc et alias apparuit mihi non necessarium; sed penitus inexpediens.

that this did not take place by my consent, since I was not even present when the matter was dealt with before the Faculty" (ubi haec materia pro Facultate tractaretur).[1] "I bear witness," he concludes, "before God and Man, for the deliverance of my soul in this world and in the world to come."[2]

This is the clearest statement about the breach of Canon Law which the new movement had brought, and its importance is magnified by the contrast it bears to Gerson's later utterances.

In another treatise of this time (1400–2), Gerson meets the movement in favour of force by a longer and more detailed argument.[3] He suggests that people should look at both sides of the question. "In seeking Truth concerning the present schism and its conditions we must not be one-eyed so that we only consider this matter from one point of view and see only those things which make for our side and neglect to see the reasons which are against us", and since many people have a violent idea of obtaining their ends on the question of the Withdrawal of Obedience from our Lord Benedict "in whole or in part" (in toto vel in parte),[4] he ventures to add a number of important conclusions.

Moderation is necessary. "Take note", he warns, "who and what sort of person he is whose reputation and status are now being discussed, with what privileges, with what dignity and superiority he is endowed. On this account warning is highly necessary lest anything should be done

[1] du Pin, ii. 3. Si fiat accusatio praedicta nomine Universitatis vel Facultatis Theologiae, ego minimus inter eos, sed fidelis filius et zelator sui honoris, quià obligor ex officio providere ne errores in Universitate pullulent, protestor, quod hoc neque fuit neque est de consensu meo, quia etiam nunquam fui praesens.

[2] *Ibid.* ii. 3. Ego pro liberatione animae meae in hoc seculo et in futuro apud Deum et homines . . . protestor.

[3] *Ibid.*, *Tract.*, ii. 14 ff.

[4] *Ibid.*, ii. 14. In inquisitione veritatis tangentis proximum schisma et statum eius, oportet non esse monoculum, etc.

rashly or precipitately, or without consideration."[1] It must be remembered that the Pope has promised publicly to suffer death for his sheep (ad mortem pro ovibus sustinendam) sooner than impede the Unity of the Church. "Take note that if he now adopted the Way of Cession it would not be fitting, but rather disastrous (non esset conveniens sed pessima), unless the other Pope showed signs of doing the same." "Therefore he must not be accused of perjury if he does not cede, or does not take the first step to Cession."[2] He has an excuse for not offering to cede at present. He thinks that his adversaries would interpret his offer in an evil sense (interpretantes istam oblationem in malum). But chiefly "take note that by a Bull he offers simply and absolutely that he is willing to keep his oath. How, therefore, could he be accused of perjury? It is quite different if the Pope wishes to deceive (subterfugere)."[3] If, when we have had the reply of the other Obedience the "Pope wants to deceive and quibble (glossare) and so hinder peace by it, he will have the chance to interpret his oath, and an attack will be made on his interpretation of it if it is evil." The crux of the question was whether Cession would be mutual.

Gerson, moreover, asks his readers to remember that the Nations are divided on the question of compulsory Cession. "Even of those on our side," he says, "the Kings of Spain, Aragon, and especially their people, are not decided about the Way of Cession, indeed, many people say that they have seen numerous letters in which the opposite is clearly

[1] du Pin, ii. 14. Notetur quae et qualis persona et cujus fama et status nunc tractatur et quibus privilegiis qua dignitate et superioritate dotatus est. Idcirco summe cavendum est ne quid temere aut inconsiderate aut precipitanter fiat.

[2] *Ibid.*, ii. 14. Ita non debet accusari de perjurio si non cesserit vel cedat principaliter.

[3] *Ibid.*, ii. 14. Principaliter notetur quod per Bullam . . . offert simpliciter et absolute quod vult tenere juramentum . . . quomodo igitur poterit argui de perjurio?

considered."[1] Benedict is a native of Aragon, and the result would be a division between Spain and France (inter illos Hispanos et Arragonenses ex una parte contra Gallos).

Gerson has faced all the difficulties of the time. He even points out the absurdity of Withdrawing Obedience "from a Pope who is not declared a schismatic or a heretic" (Papa qui non est judicatus schismaticus aut hereticus), when he has so far been obeyed in the very things which are repudiated. He seeks a way out of the intricate and complex nature of the problem by the way of a General Council. "Take special note", he says, "of the approval of a General Council."[2] "There are reasons", he adds, "which show clearly that there cannot be a complete peace without a General Council" (non plena pacificatio omnium sine concilio generali).

From this interesting treatise we learn that the movement towards Unity was growing more and more complex. Above all, it shows clearly that the chief practical difficulties in the way of voluntary Cession rested with the Empire and the Roman Pope. Whereas France had a vigorous national policy with which to attack Benedict, the Empire had no national policy nor organization by which to carry it out. The Emperor was elected by jealous Princes, who made strong rule impossible. An Assembly met at Frankfort in 1396 and was attended by the Kings of France and England, and almost all the Princes of Germany, with the Ambassadors of other Monarchs and the Deputies of many Universities. The meeting agreed to the Way of Cession. Ambassadors were sent to Boniface. But the jealousy of the Princes made the Embassy futile. At a further meeting at Rheims in 1398 it was decided to adopt the Way of Withdrawal of Obedience, but Wenzel did nothing to carry the resolution into practice.

[1] du Pin, ii. 15. Notetur quod etiam de parte nostra Rex Hispaniae et Rex Arragonum, et praesertim eius populus non sunt adhuc determinati ad istam viam cessionis immo dicunt multi vidissè multas litteras quibus oppositum clare perpenditur.

[2] *Ibid.*, ii. 17.

There was no Marshal Boucicaut to terrify the Roman Pope. Wenzel, himself, was a drunkard; at the Rheims Assembly, in fact, the Dukes of Berri and Bourbon had to tell the King of France that "this great villain was already drunk, and that he was sleeping in order to settle his wine". There was nothing to induce Boniface to cede, and something may therefore be said for Benedict's reluctance.

Gerson's treatise shows also that the enemies of Benedict were adding to the charges made against him. He had been accused of heresy and schism, but now the further charge of perjury was brought against him. These charges are interesting because they culminate at the Councils of Pisa and Constance.

Another important sign of the times is the division of the Obedience of Benedict. Gerson saw that such a division was disastrous to the cause of Unity.

His appeal also to the General Council is the first re-appearance of the maiden solution to the problem. We shall see it grow from this time onward until it becomes a living element in practical affairs.

The Moderate Party had the weight of facts on their side. Although the Bishops ruled the Church for five years, the real power had passed to the State. "The firstfruits of the Withdrawal was that the Church, having no longer a Head, remained exposed to the molestation of the secular arm." [1] The King was a worse tyrant than the Pope. Monasteries outside episcopal control became insubordinate; the Clergy were weary of being taxed in order to meet the cost of schemes for Church Unity under the auspices of the King and Realm; the Bishops gave benefices to their satellites, and the University of Paris became jealous because so few of its members seemed to gain preferment. The University of Toulouse spoke openly of the evils of the Withdrawal of Obedience in a letter to the King of France, pronouncing the

[1] Lenfant, i. 99, quotes the Monk of St. Denys.

measure unlawful in practice and useless in its results. The Councils in which the question had been discussed were declared illegal because no Council, Œcumenical or Particular, could be summoned to discuss the general condition of the Church without the Pope's consent. Evil is not permissible, it was said, that good may come. Obedience to the Canon Law and to the Pope is more important than the Unity of the Church. The University regretted "that certain men who were called by the King to the Council of Paris, and who had regard for the good of the Church and the name of the King and the Kingdom, and who had advised His Majesty . . . that Obedience should not be withdrawn from the Pope . . . could not be present at Paris, and perhaps still cannot be present without great fear and danger to their persons." [1] "Who, Most Serene Prince and Example of the Christian Religion," they exclaim, "will not mourn for this lamentable damage to the Church? What true supporter of the orthodox faith will restrain his tears and groans in such an upheaval of the House of the Lord." [2] After a long enumeration of the evils of the Withdrawal, the letter eulogizes the work of Benedict and concludes in favour of restoring Obedience to him, especially as he has offered the Way of Cession in spite of all the injustice done to him.[3]

This letter gave courage to Benedict. He had escaped the Way of Voluntary Cession; now he would escape compulsory Cession. The moderate men had won public opinion over to their side, and he felt that after five years of semi-captivity the time was ripe. On March 11, 1403, he escaped from Avignon. Shaven and in disguise, he reached Château Renard. "We have left the Palace and town of Avignon", he

[1] Bulaeus, v. 4 ff. Quidam . . . qui per vos fuere ad concilium Parisiense evocati . . . et qui vestrae Majestati regiae . . . consulebant non esse subtrahendam obedientiam vero Papae, Parisiis esse non poterant nec adhuc esse possent forsitan sine eorum maximo timore personarum et periculo.

[2] *Ibid.*, v. 4 ff.

[3] du Pin, ii. 83–105.

wrote to the King, "and have arrived at the hour of Terce safe and sound at Château Renard, in the Diocese where we think with the aid of God and of your assistance, and with the Council of Faithful men, we may pursue peace and Unity more surely and more honourably" (March 12, 1403).[1] It was a brilliant move. The Cardinals of Poitiers and of Saluces were sent to Charles VI in May 1403 to negotiate with the King. The former spoke with eloquence and power on Benedict's behalf, and of the futility of the National Policy. The King realized that public opinion had rapidly changed in favour of Benedict, for the Universities of Orleans and Montpelier had followed the lead of Toulouse, whilst the University of Paris was divided, and the Duke of Orleans was on the side of Benedict. When the Duke told the King that the Pope "had promised not to touch what had been done in France during the Withdrawal of Obedience, and not to use any exactions in the Kingdom", Charles gave way. He became a penitent at the Pope's feet. In one of those strange Royal repentances which are the puzzles of history he promised to restore Obedience. He intoned the *Te Deum*, and all followed him in tears. Finally, he undertook to sign several articles drawn up by the Duke of Orleans which were so advantageous to France that the King said he was in justice bound to restore Obedience.

These articles yield an insight into the terms on which Obedience was to be restored. "The King, Our Sire," runs the first, "will pray Our Holy Father to moderate the burdens on the French Church." Benedict would "give Bulls accepting the Way of Cession in three cases, to wit, in case of the Cession, Death, or Deposition of the Concurrent Pope". Collations and preferments made by the Ordinaries during the past five years were to be valid. "If any of the said Collations or promotions were alleged to be null or invalid or annulled by Simony, or other reasonable

[1] Lenfant, p. 115.

Cause according to Law, not touching the Withdrawal of Obedience, the Pope will do what Law, Justice, and Reason demand. The Pope shall hold a General Council of his Obedience according to the form of Law . . . and he shall put into execution what shall be decided and ordered at the said Council."[1]

The Dukes of Berri and Burgundy were won over by these articles. The French, Picards, and Normans of the University of Paris soon followed, but the English and German nations remained obdurate for some time. On May 29th a solemn service of thanksgiving was held at the Cathedral Church of Nôtre Dame, at which Pierre d'Ailly preached the sermon. He read the articles in public. Benedict, it seemed, was genuinely in earnest. France was disposed to bury all thoughts of the past and to await the fulfilment of the Pope's promises.

A more detailed description of the situation just prior to the restoration of Obedience is given by Gerson in his treatise, *Considerationes de Restitutione Obedientiae Benedicto* (1400–2).[2] He takes up his characteristic rôle of conciliator, and by pointing out the weaknesses of extreme methods of achieving Unity he throws his weight on the side of the sane and safe *via media*. Two ways are open—the Union of this Obedience with Benedict (unionem—hujus Obedientiae ad Dom. Bened) and the total withdrawal of Obedience from him (per totalem destitutionem). If the first method is expedient, then restitution of Obedience must be made; if the second, then he must die or be deposed and imprisoned (depositus in carceribus recludatur), courses which mean temporal, physical, and civil death (mortem temporalem corporalem et civilem).

Dangers arise from the first alternative. Benedict will naturally pursue with deadly hate (prosequetur odio capitali) those who have withdrawn from him, and his revenge will naturally follow the restoration of Obedience. Further

[1] Lenfant, pp. 118–19. [2] du Pin, ii. 32 ff.

divisions among the Clergy and Princes will arise. The Cardinals, too, can only be reconciled to the Pope with difficulty, for the College has taken the National side, and their prayer has been "From the reconciliation of the enemy, free us, Good Lord" (ab inimico reconciliato Libera nos Domine). Again, if Benedict, in his three or so years of liberty (per triennium vel eo circa) was not willing to agree to a Council of all the Kingdom, when all told him that the way of Cession was best, how could people be certain that he would fulfil the promise of Cession made by him when he was a prisoner? He may endeavour to create new Cardinals, and to strengthen his hold upon the Papacy. "Perhaps, indeed, he may go elsewhere for more liberty to rage" (forsan alibi discedet ut libertatem habeat majorem saeviendi). He may also refuse to ratify those things which have been done during the time of withdrawal of Obedience. "Yea, he may want to raise up and to pull down at will" (imo volet instituere et destituere pro libito). He will also doubtless reserve for himself many cases of Absolution so that he may punish more freely. Collations of Benefices and exactions of tenths and Annates will be imposed as freely as before, to the detriment of the Church.

As regards this alternative, we can only say that it is a wonderful prophecy of what actually did happen later.

The other alternative has its difficulties also. Its execution is difficult because it would be futile unless the Pope were killed *de facto* (nisi vel de facto interficiatur). And who would do this? The deed would be cruel and thoughtless (crudele et irrationabile). And if a General Council of this Obedience were suggested to do it legally (per viam legis), "the discord of this Obedience" and the "imprisonment of the Pope" would make it difficult of convocation. Suppose that Benedict were dead or deposed (deposto aut mortuo) and another Pope elected in his place, there would still be dangers of division. "The heart of man is deceitful above

all things and desperately wicked" (Jer. xvii. 9). The newly elected might associate himself with carnal friends (amicos carnales), and this would lead to more trouble. Unless the Cardinals were reconciled there would be scruple on the part of many people (apud multos) as to whether they had the power of election (habent potestatem eligendi). And posterity would not forget that the French and others have slain or rejected their Pope, while to the greater part of this Obedience the causes alleged are not sufficient to convict Benedict of heresy or schism.

Between these extreme ways (vias extremas), as between Scylla and Charybdis, according to the proverb *incidit in Scyllam qui vult vitare Charybdim* a *via media* must be found. The task is hard, but not impossible. People must be careful not to discuss how the Schism began, "but only let them be zealous to get out of it and be free" (sed tantummodo studeamus hinc egredi atque liberari). All rancour, partiality, enmity must be put away, and past wrongs be forgotten. Obedience must be restored to Benedict, not as an end in itself, but as a means to a higher end. "If this Obedience is repaired and united we could, with common consent, offer to the other Obedience every method of giving peace to the Church either by a General Council, or another way." [1] If this Obedience stubbornly adheres to Benedict's deposition and with "fixed purpose of never obeying him totally or in part—who could expect anything but the destruction of this Obedience and cruel horrible strife"? [2] "sed det meliora Christus vicinioraque saluti", he prays. Meanwhile, however, let them expect the best from the Pope. Plenary indulgence will be granted for all acts done during the time of withdrawal "by approving or at least not

[1] du Pin, ii. 34 f. Si fuerit haec Obedientia resarcita et unita, poterimus cum communi consensu offerre alteri Obedientiae omnem viam ponendi pacem in Ecclesia sive Concilium generale, sive alterius.
[2] *Ibid.*, ii. 35.

reproving what has been done" (de approbando vel saltem non reprobando quae facta sunt). The Pope has learned his lesson how "inexpedient it is not to confide in counsel" (qualiter inexpediens non credere consilio). Therefore certain men will associate themselves with Lord Benedict to give their "express and clear consent" (assensu expresso et manifesto) to his acts, and all foolish measures will then be avoided. The Cardinals must do all in their power to gain pardon, for the disciples of the humble Christ (discipuli humilis Christi) must not be ashamed of humility.

Gerson wanted no short cuts. Many people seemed to favour a Council of the Avignon Obedience, called immediately in order to gain time in the event of a disaster occurring to Benedict in captivity, as, for example, his death. But Gerson felt that this would only cause bad feeling and put off the Day of Peace. If people wanted a Council for the Restoration of discipline they should remember that the Provincial and Diocesan Councils could best perform this work. He would rather see Obedience restored to Benedict first, and a General Council of both Obediences called afterwards.

Again we notice that Gerson is following his earliest hope. The Way of a General Council had been discussed privately in 1381; it sank to a third place when the unity of the Church became a matter of public concern in 1393. Gerson, however, was always enamoured of it. He had, for a short time, been the champion of Voluntary Cession in 1393, but in 1400 he is anxiously waiting for suitable circumstances in which to realize his vision. He had only a few more years to wait.

Salembier has done great service to the study of our period by his special knowledge of the MSS. in the large libraries of France. He has shown that the *De Materia Concilii Generalis*, written by Pierre d'Ailly at different periods, but chiefly about 1402, is divided into three distinct parts. The first is printed by du Pin as the *De Concilio*

Generali unius Obedientiae. Although "the order of the ideas is not the same, the substance is almost identical." [1] The second part is still unpublished. The third part is the famous treatise, misemployed by Protestants, and entitled, *Tractatus super reformatione Ecclesiae in Concilio Constantensi*.[2] The complete work deals with three broad questions of the times. What sort of a Council can put an end to the Schism? Ought Obedience to be restored to Benedict before the meeting of the Council? What reforms are necessary in the Church? It is obvious that the first two questions are of vital importance to the time of Benedict's imprisonment at Avignon.

The first question is answered almost exactly in the same terms as the treatise, *Considerationes de Restit. Obed.* The second question is answered in great detail, and is extremely valuable in its clear explanation of the difference between Total and Partial Withdrawal of Obedience, especially in view of the greatest of the National Assemblies held in 1406 in which partial withdrawal was recommended.

"About to give an opportunity to the wise that they may become wiser", is the humorous opening of the subject. "I propose for their examination the negative propositions which follow on the question of a Common Council of this Obedience, from which it will be quite clear whether it is expedient or not that such a Council should be celebrated, and if so, what caution should be taken." "It is not expedient", he continues, "that a General Council of this Obedience should be called to consider and decide the question of charges, such as perjury, schism, and heresy, which have been made by certain people against Benedict." [3] The Obedience is divided on this question. "To deal with

[1] Salembier, p. 192. [2] du Pin. ii. 903 ff.

[3] *Ibid.*, ii. 24. Non expedit fieri Concilium generale hujus Obedientiae ad tractandum et sententiandum de criminibus Domini Benedicti, sibi per quosdam impositis, utputa de perjurio, et schismate et haeresi.

such things before the multitude, therefore, would rather produce a strengthening and increase of division than the assuaging of it."[1] The Council would be called either under the form of Law, or under a new method. If by law, then Benedict must preside, but no place would be safe for him who is now detained as a captive (cum detineatur inclusus). Many refuse Obedience, and would certainly not obey his summons to the Council. If by a new method, there does not seem to be any agreement, one person wanting one method and one another (uno volente unum modum altero alium). "It is not expedient that a Council be held to deal determinatively with matters of Faith"; it would give occasion to scandal and be a danger to the Faith, "if this part or the other determined anything, in a matter which concerns all, and which must be approved by all."[2] There are different opinions about the Papacy, and the question of appeal to a higher authority (super materia appellationis a Papa), even within the same Obedience (inter multos ejusdem Obedientiae). "Nor is it expedient that a Council of this kind be held to deal with the reformation of the Church *in mores*." Customs vary with time and place. Provincial Diocesan and Synodical Councils would be sufficient for necessary local reforms. "Nor is it expedient that a Council of this kind be held for restoring obedience to the Pope in matters Spiritual." This can best be done by "the Kingdom of France alone" in the same way as withdrawal was made. If Withdrawal is of no further service to the Unity of the Church, let it be put aside. "Nor is it expedient that such a Council be held for restoring Obedience to the Pope in the Administration of Benefices and other such things, since albeit annexed to

[1] du Pin, ii. 25. Tractare igitur talia coram multitudine tam multipliciter divisa, esset potius induratio et nova multiplicatio divisionum, quam illarum sedatio.

[2] *Ibid.*, ii. 25. Non expedit fieri Concilium ad tractandum determinative materias Fidei . . . si aliud determinaret illa pars, sive altera, in materia quae omnes tangit et quae ab omnibus debet approbari.

spiritual things they may be called temporal." This is a question of universal and not local concern. "Nor is it expedient that the aforesaid Council be held, as it were, to find ways of Union." The three ways have been well discussed, and there remains nothing but to agree on one of the ways proposed.

The conclusion about the Council of the one Obedience is that "it is not expedient for the Council of this Obedience to be held except for free deliberation and counsel, and for restoring full concord between the Head and members about the manner and form of bringing this Obedience into harmony with itself, and with the other Obedience, and of pursuing union harmoniously." The question of the restoration of Obedience is discussed in the second part of d'Ailly's work. It was a question of pressing and practical importance. He gives the three prevailing opinions about it. In the opinion of the Duke of Orleans Obedience should be restored to Benedict at once. The Dukes of Berri and Burgundy, some doctors of the University, and Simon de Cramaud supported the *status quo*, and wanted to proceed against Benedict as a heretic, schismatic, and perjurer. The third view is the most important, because it triumphed at the National Council of 1406. It was the Way of Partial Withdrawal of Obedience, which d'Ailly has described in much detail.

The spiritual power of the Pope was universal from the time of Christ, but the temporal power is a development. "The Church in the time of Christ and the Apostles had no exercise or power of civil jurisdiction over any temporals, nay, Christ seems in act and word to have prohibited such exercise of civil jurisdiction." [1] Then the Church developed in numbers until Constantine endowed Sylvester with

[1] du Pin, ii. 27. Ecclesia tempore Christi et Apostolorum nullum habuit exercitium aut executionem Juridicam civiliter circa hujusmodi temporalia; immo Christus plus videtur facto et verbo tale exercitium Jurisdictionis civilis prohibuisse.

temporal possessions. This endowment has continued through the Holy Fathers Gregory and Ambrose and others —"who it is not to be thought have erred against the command of Christ in retaining such things"—to our own times. Later, the Popes gathered the great mass of Benefices into their own jurisdiction. The question is raised as to whether a return should be made to the Primitive Church; others find their ideal in the Church of Sylvester and Constantine—when there were not so many reservations and exactions as there are now, and when there was more equality in the Church. But the great fact remains. "The difference between spiritual and temporal is very wide, as the Pope can remain universal Pope without actual exercise over the temporals of the Church",[1] like Christ and St. Peter.

Salembier has enlarged upon this vital difference between the universal and particular power of the Pope, in view of the Council of 1406. "There are rights", he says, "a pre-eminence and honours due by divine right to the Pope because he is Head of the Universal Church. Others are accidental, and at times usurped to the prejudice of Prelates and of inferior Churches, such are collations of Bishoprics, reservations for ecclesiastical benefices, and other recent privileges and abuses, called rights of the Apostolic Chamber, which were unknown to St. Peter and his venerated successors. Let the former privileges be restored to the Pope, for that is just, but to give him the latter would be harmful." [2]

This method of solving the problem, which found favour with d'Ailly himself, succeeded at the Council of 1406.

In the third part of the work, necessary reforms are pointed out as the preparation for any lasting Unity.[3] If

[1] du Pin, ii. 28. Latissima est differentia in spiritualibus et temporalibus . . . Papa potest remanere Papa universaliter in perfectione magna . . . et tamen nullum habebit exercitium actuale circa temporalia ecclesiae.

[2] Salembier, p. 193.

[3] This part of the work was slightly modified later and presented to the Council of Constance.

reform is not carried out, d'Ailly ventures to say that although they see great evils in the present, "they will see incomparably greater ones in a short time, and after the fearful thunders they have heard, soon they will hear others far more frightful." [1] From such a catastrophe he prays for deliverance.

Two sermons by Gerson reflect the spirit of the time when the Decree of Restoration was published. It was expected that peace would follow automatically on the Restoration of Obedience. Gerson therefore, when preaching before the Court at Paris, dwells on the joy and "recreation" that such a reunion of Head and Members must produce (Ps. civ. 30). "Would that an intellect were given me", he begins, "to comprehend and a fluent tongue to describe *the glad novelty and the novel gladness* for which this sacred procession is held on the Restitution of Obedience to our Lord Pope, by which we are, as it were, recreated, reunited, reborn with him and he with us, members with the Head and the Head with the members." [2] Processions were organized throughout France to celebrate the occasion and to promote the spirit of humility, "since the duration of Schism, already almost twenty-five years, shows that pride has not yet been sufficiently humbled." The Pope should have learned his lesson in the school of sorrow (in schola tribulationis). When he has learned it God will "glorify" him, not only for himself, but also for the sake of the Church (non tantummodo pro se sed et pro ecclesia). "Of what sort and how great was the penitence of our Lord Pope, all who considered his words and deeds during the four years know." The Preacher prays that the rays of the Spirit may come down and give "unity to this Obedience within itself" (unitatem hujus Obedientiae totius inter se); he also prays for "unity among the people of France" (unio regnicolarum

[1] du Pin, ii. 35 ff.

[2] *Ibid.*, ii. 35 ff. Gaudiosam novitatem et novellam jocunditatem.

Franciae), for unity between the Dukes of this Kingdom (inter Dominos hujus Regni adinvicem), for "unity between churchmen—as of Studium with Studium, University with University, Church with Church" (inter Ecclesiasticos—utpota Studiorum cum Studio, Universitatum cum Universitatibus, Ecclesiarum cum Ecclesiis). He gives the Congregation a vivid picture of his meaning. "If our three Lord Dukes remain mutually united with the King", he declares, "they would be a triple cord which it would be difficult to break." Or again, "Experienced people know that worse things than civil wars broke out as between Guelphs and Ghibellines, among those who say, 'I am of Benedict', 'I am of Withdrawal'." He attacks the opinions of those who maintain the old hostilities and utters a solemn warning. "When the other Pope cedes by death or rejection, Peace is at our gates unless the violent stubbornness of others drive it away; should they do so, let them see to it themselves, we have delivered our own souls."

The other sermon was preached before Benedict at Marseilles (November 9, 1403). It illustrates the other side of the picture. Gerson could show the Pope his duty as he dared to show the Prince and people theirs. The text is a personal appeal to the Pope: "Give thy Blessing to thine inheritance" (Ps. xxviii. 10). Opening in the attitude of one seeking a favour, he points out that Peace must originate in the good will of the Pope. "I am your servant on behalf of and in the name of your own inheritance, the University of Paris." "Except you, my Lord, command blessing, by what venture should I, so insignificant as I am, dare to open my unworthy lips before the High Eminence of Your Holiness and in the presence of this great gathering?" After describing the terrible condition of the Church, he makes a still greater personal appeal. The Pope may feel the enormous difficulties of his task, but he must remember that he has a host of willing helpers round him. "Who is the Man

—who is he among the Christian sons of the Church, who would not try according to his part and calling to render assistance in such misfortune?" "Who will not grieve with you over the sad desolation and great destruction in your inheritance, and who, grieving, will not meet it according to his strength?" There is no need to despair; for such work takes time and patience. "If the sailor leaves the ship after the first wreck, and the soldier the battle-line after the first wounds, and the peasant the field after the first barren year, we should ascribe it not to prudence, but to sloth." Again, let all animosities be overlooked. "If Herod and Pilate were made friends for the persecution of Christ" (si Herodes et Pilatus facti amici ad persequendum Christum), how much more ought Christians to work together for peace. Satan was allowed to wound you with poverty and tribulation, that your soul, "by nature gentle and kind" (natura mitis et suavis), might be made impatient, hard, and bitter, and that you might be led to persecute the Church.

Then follows a realistic picture of the Pope's Captivity in the Castle des Doms at Avignon. The Ship of the Church was tossed on the waves, and "you the mystic Jonah were cast into the sea" (tu mysticus Jonas projectus es in mare). "But in the bosom of the sacred Palace, as in the belly of the fish, you were wonderfully guarded, and God led you forth to the shore of liberty, and there was a great calm." "Then came into the awful presence of Your Eminence a certain man, not of the basest rank, who himself confessed that you were his Father and Lord—not, indeed, only to lay impious hands upon you, but by an unheard-of parricide to slay you." Those present feared, but you showed mercy. People expected a sentence of prison and death for him, but your goodness forgave him. In the light of that forgiveness the people ask for mercy. The University of Paris comes as a penitent. "Behold Your Suppliant, Humble, and Devoted Daughter comes to you" (advenit ecce supplex et humilis

devota filia tua). And with one accord she asks you to give peace to your inheritance, "and if you do this you will be 'Benedictus' to all generations, and you will leave an eternal memory to those who come after you."

Benedict listened in silence. He was at that very moment planning vengeance. In spite of his previous promises to forget the past, he tried to "overreach Archbishops, Bishops, Abbots, Priors, Canons, Ecclesiastics, or any of those who had been provided with Prelacies, Dignities, and Benefices by the Ordinaries during the time of the 'Withdrawal of Obedience', and to dismiss them from their offices by means of privations, translations, suspensions, and otherwise." The Royal Edict had promised that they should "live in possession and seisin of their palaces, dignities, and benefices, and that they should not be constrained to pay to the Pope or to his collectors, commissioners, or to any other person any money for vacancies, services, procurations, or other dues." [1]

These promises were soon forgotten. Benedict began to take revenge in all earnest. He forgot that France was ready to withdraw obedience from him on the slightest provocation. Even a Roman Catholic historian like Salembier has no sympathy for him. "Sometimes he refused to confirm promotions made during the Withdrawal, and deprived persons of high character of their benefices; sometimes he burdened the Churches of France and of the University with taxes and tenths, multiplied reservations, and revived all the pretensions that had but lately alienated the French clergy." [2] Two outstanding instances of his revenge are worthy of note. Bernard du Peron, Bishop of Nantes, was consecrated during the period of Withdrawal. When obedience was restored he gave allegiance to Benedict, but his election to the Bishopric was immediately annulled. He was transferred to a distant and unimportant Bishopric in North Brittany. Rivat, Archbishop of Toulouse, was also dispossessed of his

[1] Lenfant, pp. 123–4. [2] Salembier, p. 196.

office for the Pope's keen partisan, Vital. And there were numerous other instances of a similar nature.

Was there any wonder that Gerson felt it to be his duty, when preaching the New Year sermon to the Pope at Tarascon (1404), to ask, "Would it not be monstrous to see the Head usurping the offices of all the lower members and, as it were, applying the Delphic sword to everything?" [1] The Archbishop of Aix, the Duke of Orleans, and the Bishop of Cambrai also remonstrated with Benedict in vain. Peace seemed further off than ever. The University of Paris became furious. It declared the letter of the University of Toulouse injurious and defamatory to the King, the Princes, the Council, the Clergy of France, and the University of Paris, and passed sentence that it should be torn in pieces on the Bridge of Avignon, at Toulouse and at Paris. The sentence was carried out on July 17, 1406.

The climax of the whole movement against Benedict was reached at the greatest of the four National Councils for the Unity of the Church, held in the Royal Palace on November 18, 1406. Sixty-four Archbishops and Bishops, about 140 Abbots, a very large number of Doctors and Licentiates, met the King, the Dauphin, the Dukes of Berri, Burgundy, and Bourbon, in a spirit of deep indignation against the Pope. "It is claimed that there never was a more numerous and solemn assembly in France." [2] The contest resolved itself into one between the University and the Pope. Six disputants were chosen on each side. Master Pierre aux Boeufs, Master John Petit, Simon de Cramaud, were the chief defenders of the University, and William Philastre, Dean of Rheims, the Archbishop of Tours and Pierre d'Ailly were the chief spokesmen for the Pope. Jouvenal des Ursins, the Advocate-General, spoke in the name of the King and summed up the case at the conclusion. The opening speech by Pierre aux Boeufs introduced the Way of a General

[1] du Pin, ii. 64.

[2] Lenfant, p. 136.

Council. Planets, he says, have two movements, one from other bodies, the other peculiar to themselves. Cardinals, Patriarchs, Archbishops, and Bishops are planets of the Church; they have a movement of their own; they have power "to assemble in Council to arrange, decide, dictate, give sentence, and make determinations". The Abbot of St. Michel developed this idea by saying that a General Council was superior in power to the Pope. "The office of the Pope is principally to preach and exhort." "The Pope is not the Lord Universal of the Church, but the servant of servants to serve all human creatures." Pierre Plaoul ventures one step further. "As for me," he says, "I believe that the Papal power is not sovereign, but ministerial." "Considering the dignity, honour, and sublimity of the Church, no one is Lord of it except Jesus Christ Our Saviour." "The Pope can err, can sin, but the Church is so full of love that it cannot wander, nor err, nor commit sin." The deepest current of feeling on the side of the University was in favour of the Way of a General Council, and this fact is interesting in view of future events. Plaoul went further in his remarks about immediate action. The evils of schism are worse than the persecutions of the Early Church by the Emperors, and yet they are entirely due to the Popes. War must be declared on the two Heads of the Church because they are evil spirits "of beautiful entrance, but evil issue". Those who refuse to resort to force are heretics. The previous Withdrawal of Obedience produced many good effects, though many people feel that it hardened the Roman Obedience. This is a mistake because, he says, "When we went to Rome the opposing party received us with joy." Force, therefore, is necessary; necessity is above the Law, for the people are perishing. The King of France must strive for Union, and obedience must be withdrawn from the Popes as they are determined not to restore Unity to the Church.

The Pope's supporters stood firm on the basis of Canon

Law. "All the Nations together cannot condemn the sovereign Pope," said William Philastre. "How can you judge him with your Council, which consists of a small minority as compared with the rest of the Church, being barely a fourth or fifth part of it?" "Kings cannot deprive the Pope of his authority, but the sovereign Pontiff has sometimes set up a King of France." "He deposed Frederick the Emperor." Philastre attacked the Way of Withdrawal as novel, useless, scandalous, impossible, and dangerous, and made foolish references to Uzziah and his leprosy, suggesting that the King of France received his crown by right from the Pope. For such statements he had to offer a very humble apology to the Assembly.

The only person who showed any understanding of the problem on the Pope's side was Pierre d'Ailly, Bishop of Cambrai. He was entirely against the suggestion of a further Withdrawal of Obedience, because five years' experience of it had brought no results. But he approached very closely to the desire of the University for a General Council. Provincial Councils might prepare for the future Council of Benedict's Obedience, and subsequently for a General Council of the two Obediences. The University was angry, however, when he said that it would have been wiser if the Faculty of Theology and not the whole University had taken part in the discussions on the Unity of the Church, and when he declared that Benedict was neither a heretic nor a schismatic, but willing and able to call a General Council in the future.

The King's Advocate summed up the arguments on both sides, and the ballot was taken. The majority of votes fell in favour of a partial Withdrawal of Obedience. In 1398 the Withdrawal had been total, but Pierre d'Ailly, in his *De Materia Concilii Generalis*, had sketched out a more moderate method, and this was adopted on January 4, 1407. Monstrelet adds to our knowledge of it. "A Proclamation was made", he writes, "throughout the realm that neither of the contending

Popes should dispose of any benefices or dignities in the Church which might become vacant, and likewise that the sums of money usually paid into the Apostolic Chamber should be discontinued to both the rival Popes. It was also proclaimed that all benefices should, in future, be given by the Sovereign, or legal patrons, as had been formerly done." The Spiritual Obedience was continued.[1]

The "Decree of the Gallican Church for the Way of Cession and Withdrawal of Obedience" was the result of this National Council. It was not published at once; Benedict was to have another chance; moderate men were still plentiful; and there was yet time for the repentance of the Pope.

Meanwhile, it is necessary to ask whence the general idea of Withdrawal of Obedience originated. It is clear that its programme was Cession by force. It is quite clear that its supporters realized that for the first time in the history of the Schism they were breaking through the conservatism of Canon Law under the claims of Necessity. The appeal to 'Epieikeia' was almost universal in one form or another. But where did the distinct idea of Cession by force originate? All the arguments used in favour of it are found in Ockham's *Dialogus*. Caiaphas, he says, had used a wiser argument than he knew when he said, "It is expedient that one should die for the people lest the whole race should perish." "From which words", he continues, "it is understood that the innocent Christ should die for the people lest the whole race should perish; even so it is expedient that a heretic, criminal and incorrigible Pope should die, or likewise be ejected from the Papacy, that the whole race should not perish." Or, using another analogy, he says, "An incurable member, dangerous to the whole body, must be amputated for the safety of the body."[2] It appears, therefore, that the new movement was not without precedent. It prepares us for further novel ideas

[1] *Chronicles*, pp. 86–7.

[2] Goldast, ii. 568.

when circumstances became even more pressing, and it gives us a clue to the source to which thinking men were turning in a time of urgent need. We must, however, leave the investigation of this subject until later.

The year 1407 was very dark. Every way seemed closed. The Way of a General Council had failed because people were afraid to break the law, and to allow anyone but the Pope to summon the Council. The Way of Voluntary Cession had failed because the Popes were too fond of office and too strong in power to be persuaded to surrender personal good for the good of the whole Church. The Way of Withdrawal of Obedience seemed to have failed because it left too much to the adamant Popes, and the Schism went on. It looked as though Christianity would die by a long and painful death, when suddenly circumstances transformed the whole situation. Moderate men became extreme; extremists joined them in counsel; Christians watched the trickery and subterfuge of the two Popes until patience was exhausted. A most marvellous rearrangement of events prepared the way for the solution of the problem of Schism by Way of a General Council. Those events are the tragi-comedy of the Schism.

CHAPTER VII

THE IMPASSE

Propter quae lucra vix aliquem invenies qui unquam vellet papatui cedere, et ecclesiae universali pacem dare.

von der Hardt, *De modis uniend. ac reform. Eccles. in Conc. Gen.*, I. iv. 87.

THE failure of the three ways of escape now left the problem to circumstance. The appeal to necessity grew apace. Principles were surrendered to practice, idealism to utilitarianism. No one could divine the future, for theories had reached an *impasse*, and the leaders of the movement for restoring unity waited anxiously on events. Nor were they to be disappointed. The last scene was sufficient to lead them to the crux of the problem. The Popes were schismatics, heretics, perjurers. Christendom wearied of their unfulfilled and repeated promises. The Cardinals forsook them in despair, and arriving at Pisa they opened negotiations for the Way of a General Council. The events which led up to this Council are of the utmost importance, because they show the completely unexpected and fortuitous nature of the way out of the division of the Church.

All eyes were on Gregory XII at Rome. He was an old man, with a solemn oath upon his lips, "in the name of God, the Virgin Mary, and the Holy Apostles, and of all the Heavenly Court",[1] to cede "freely, simply, and wholly" if the "Antipope" ceded or died, or in case the Cardinals of both sides desired to unite. Within one month of his coronation he would make the same promises to the Kings and Communities of Europe, and to the "Antipope" and his Cardinals. Within three months he would send plenipotentiaries to all Powers to negotiate for a suitable place in which he might call a convention for negotiating with the "Antipope". During

[1] Lenfant, p. 162.

these months he would create no new Cardinals beyond those necessary to equalize the College with that of the "Antipope". He would even wait a year longer before electing new Cardinals if the "Antipope" showed himself willing to promote the unity of the Church. To the King of France he wrote, "We offer to resign our claim to the Papacy provided our adversary or his successor, whoever he be, should engage solemnly to make a similar renunciation." [1] The world was overjoyed at such resolutions.

An embassy went from Rome to Benedict in fulfilment of the promise, and it resulted in the choice of Savona as the most suitable town in which the Popes could meet for the discussion of their plans for unity. The march of the Popes to Savona is one of the curiosities of Church history. Benedict arrived there on St. Michael's Day, according to the agreement. Gregory failed to keep his promise. "Benedict seemed more disposed to union and peace in France than Gregory in Italy." [2] France offered Gregory six galleys and six months' pay for men of his own choice if he would come, but it was of no avail.

As a matter of fact, the two Popes had made secret plans. Gregory came to Petra Santa and Benedict to Porto Venere. The Cardinals of Gregory remonstrated, but both Popes decided to hold out until the end. Rumour was strong in Rome, Lucca, and Porto Venere that "Gregory and Benedict were in league, agreement, and collusion, supported by an oath, that they would refuse and resist the Way of Mutual Cession." [3] St. Michael's Day was past, and All Saints' Day, which had been arranged as a respite, came and went without

[1] Monstrelet, i. 90–1, December 11, 1406.

[2] Nicholas of Clémanges in von der Hardt, I. ii. 29. Promptior ad unionem ac pacem visus Benedictus in Gallia quam Gregorius in Italia.

[3] Labbe, Art. xxxiii. Quod inter dominos Gregorium et Benedictum est et fuit confoederatio concordia et collusio juramento firmata quod ad hoc ut ipsi evitare et repellare valeant viam mutuae cessionis.

any action being taken for unity according to the Papal oath. Gregory began, indeed, to take the offensive. At Lucca he irritated his Cardinals by alienating "many valuable movables of the Roman Church", and also "notable territory—for a certain sum of money to enrich his brothers, nephews, and his other relations" (ad ditandum suos fratres nepotes et alios agnatos suos). Gregory had changed *du blanc au noir;* experience had taught contemporaries the futility of expecting anything from the Popes. Gerson spoke for Avignon. "Was it not hoped by all that Lord Benedict would be ready to cede? but what he did after his election we all know and learn to our sorrow, for rarely does the character of one chosen to the Papacy change for the better." The writer of *De Modis* spoke for the other Obedience. "On account of gain you will scarcely find anyone who will cede from the Papacy and give peace to the Church." [1] Benedict may have had some excuse for delay when Louis of Orleans, his Protector, was assassinated in the streets of Paris; Gregory, too, may have had some excuse when Ladislas, King of Naples, harassed Rome every time he attempted to move to Savona, but nothing could excuse the treachery of two old men who were working to destroy the efforts put forth by good and serious members of the Church for the healing of the Schism.

On all sides there was an outburst of satire. "You would have said", wrote Leonard of Arezzo to his friend Petrillo of Naples, "that one was a water animal which feared the land, and the other was a land animal terrified by the water." [2] The age sang:—

> Offeres et renuam, proponam, repudiabis.
> Gregorius terris praesit, Benedictus in aquis.
> Et sic Papatus mediando sic mediatus.
> Serviet ambobus bene sufficit ille duobus.

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[1] Head of chapter.

[2] Lenfant, p. 193.

Even lethargic England was roused at last. At the Council in London the discussion resolved itself into the question as to whether Obedience should be withdrawn from Gregory, "who against his vow and oath withdrew himself from the place where, according to the agreement about Cession, measures were to be taken for the unity of the Church." [1] Gregory must have been desperately at fault for England to decide against him in harmony with the policy of a political rival such as France.

The crisis came at last. Gregory assumed the air of a mediaeval Pontiff, renouncing the Way of Cession as "evil, unjust, and diabolical".[2] But what was worse, he quarrelled with his Cardinals. There is no more realistic picture than the description of the crisis by Leonard of Arezzo. "Yes," he says, "I am doubly in despair of what is happening both as a Christian and as an Italian." "On the crisis", he continues, "everybody murmured greatly at so evident and criminal collusion." "You could not see without a groan of horror both men, more than seventy years of age, sacrifice religion and their own consciences to ambition." Leonard was an eyewitness when Gregory attempted to create two new Cardinals. The Pope looked on the assembled College with a sad countenance (non satis laeto vultu) and said, "I forbid you all to rise" (praecipio ut nemo vestrûm assurgat). Indignation followed. "Never was there seen such restlessness of mind." Some were constrained by fear of death, anger inflamed others. Cries of fear, shrieks of terror, many curses arose from the assembly. "I saw myself," he says, "with my own eyes, Cardinal Colonna kneel down before the Pope and beg him, with clasped hands, to desist from such an undertaking." The Cardinal of Liége failed by menaces, and the milder measures of the Cardinal Archbishop of Bordeaux proved futile. At last the assembly broke up without any

[1] *Ypodigma Neustriae*, p. 425.

[2] Labbe, Art. xxiv. Via cessionis erat mala et injusta et diabolica.

practical result. Orders were issued by the Pope that the Cardinals were not to leave Lucca without express permission. The command was first disobeyed by the Cardinal of Liége, and the next day six of his fellow-Cardinals followed him, and the whole of the College assembled at Pisa a little later (May 11, 1408).

Simultaneously with this strange movement within the Roman Obedience, France was trying to bring force to bear on Benedict, whilst moderate men everywhere were realizing that stern measures had become imperative. Benedict himself was growing more and more tyrannical. From the time of the assassination of Louis of Orleans (November 23, 1407) he seems to have lost all sense of proportion. In answer to the King's demand for union before Ascension Day, he issued a long-delayed Bull, excommunicating all who hindered the union of the Church by measures against the Pope. The publication of this Bull was analogous to the creation of four new Cardinals by Gregory, and it moved France to indignation. Its bearer, in fact, was lucky to escape from Paris unnoticed. An Assembly "in the Great Hall of the Palace" before Kings and Dukes, among whom was the English Earl of Warwick, drew up six conclusions against the Pope. The Bull was declared wicked and seditious. The King was to command "his Daughter the University to preach the truth throughout all the Kingdom, and the Bull was torn in pieces by the Rector of the University." At last the long-delayed "withdrawal Edict" was published (May 22, 1408). "We have recognized by a long and distressing experience", says the official text, "that this Obedience, thus given, served no purpose, and that, far from being effective in absolutely suppressing and extirpating this pernicious Schism, it has banished and far removed the peace which is so necessary and desirable." "We hope that this refusal of Obedience to both Concurrents will bring at last one unanimous and lasting Obedience under one only and fixed

Vicar of Jesus Christ." Marshal Boucicaut was commanded to arrest Benedict, but the Pope fled in haste to Perpignan. His Cardinals, encouraged by the example of the rival College, remained at Porto Venere. At Leghorn four Cardinals from each College agreed that the best method was to declare a General Council, in which both Popes could resign their offices, and thus the way was left completely open to the Council of Pisa. By a strange conspiracy of circumstances the Cardinals who had created the Schism were to make the first practical plans for its termination.

This lightning-like rearrangement of forces completely revolutionized the thought of the day. The solution of 1381, so brilliantly advocated by the *Consilium Pacis*, had passed into an archaism. It is true that it had been mentioned since, but only with trepidation and doubt. Now its supporters had nothing to do but to state it afresh under the new and very practical conditions of 1408. In this way, after thirty years of bitter strife, the theory from which the "Conciliar Period" took its name, found complete freedom to work out its principles.

CHAPTER VIII

THE WAY OF A GENERAL COUNCIL

Concilium generale faciens, et Ecclesiam Catholicam repraesentans, potestatem a Christo immediate habet, cui quilibet, cujuscunque status, vel dignitatis, etiamsi papalis existat, obedire tenetur in his, quae pertinent ad fidem.

Decree of the Fourth Session of the Council of Constance, von der Hardt, iv. 98.

Ecclesia vel Generale Concilium eam repraesentans est Regula a Spiritu sancto directa, tradita a Christo, ut quilibet cujuscunque status etiam Papalis existat, eam audire ac eidem obedire teneatur.

Sermon by Gerson at the Council of Constance, du Pin, ii. 205.

When the Way of a General Council was suggested in the year 1381, it was supported by a very small minority. The chief argument against it was that a General Council called by any other authority but the Pope was illegal; and as there were two Popes it also became impracticable. In 1408 two new factors had changed the situation. On the one hand, the Cardinals had left their respective Popes and had summoned a Council at Pisa; on the other hand, the mass of Christendom was willing to interpret Canon Law on the principle of necessity. Moderate men were prepared to stand by the decisions of a Council summoned, not by the Pope, but by the Cardinals in a time of urgent need.

Probably nobody was more surprised than the Cardinals to find this sudden and unexpected change. Such men as Pierre d'Ailly, Gerson, and Zabarella, who had withdrawn from Reunion efforts when the methods of force were adopted, were among the first to justify the Cardinals in their action at Pisa. Gerson, who had criticized the Way of Withdrawal, now surprised the world by throwing the weight of his great name into the work of a General Council.

It is amazing to hear him tell the Fathers, assembled at Pisa, that "it is right to withdraw Obedience from the Pope . . . to remain neutral, to imprison him in person, to forbid him to minister publicly . . . to accuse him of schism and heresy . . . to hold a General Council against his wish, and to compel him to cede or to take from him all rank and position, and, if he refuses, to deprive him of life". We cannot help but compare this statement with his words of eight years before: "Take note who and what sort of a person he is whose reputation and status are now being discussed, with what privileges and dignity and superiority he is endowed. On this account warning is highly necessary lest anything be done rashly or precipitately, or without consideration." There is little wonder that he felt it necessary to tell the Pope at Tarascon that he was conscious of a change in his attitude, but that it was solely due to the change of times and circumstances. One motive alone moved him, he said, at all times, and that was the sole glory of God and His Church. "For whatever may be said of malicious babblers, God sits above them as the great Discerner of the Heart."

Schwab has given an interesting summary of Gerson's views. The last part of it is important here. After describing the Chancellor's attitude as "one of a Mediator between the Parties", he makes a pause before the ludicrous collusion between Gregory and Benedict for continuing the Schism. Collusion was abhorrent to the soul of Gerson. It transformed him. "After the conduct of Gregory had shown him how little the most sacred assurances could be trusted, and how the Church needed quite other guarantees for its peace than the good will of two ambitious old men, he came fully over to the union Party." [1] Such a change was natural, even though it seemed to be out of harmony with his earlier views. Circumstances modify principles; and a great soul

[1] Schwab, pp. 228–9.

like Gerson could not escape the change. In a sermon before the Court in 1408 his indignation is evident. "So many proclamations, instructions, and exhortations have been made", he says, "for nearly thirty years, and especially for twenty-four years continuously, on this matter, that the discussion would be fruitless, or become irksome if there was any great delay over it." The Pope is in the way. "Who would have expected him to make such a foolish beginning . . . as to presume and wish to excommunicate the Royal Person?" [1] With thoughts like these to urge him forward, Gerson became the Leader of the Conciliar Movement at the Council of Pisa. "Without any ostentation", says du Pin, "we can say that the Union of the Church after God Most High was due chiefly to the Paris Academy under the Leadership of its Chancellor." The principles of the Conciliar Movement which he drove into the peculiar conditions of the Church in the year 1408 have earned for him the title of "The first Gallican strictly so called".[2]

Three of the most important treatises which animated the thought of the Council of Pisa are from Gerson's pen. The *De Unitate Ecclesiastica* is first in order of time; then followed the *Propositio coram Anglicis Parisios euntibus ad Sacrum Concilium Pisis*, and finally the *De Auferibilitate Papae ab Ecclesia*.

The *De Unitate* is the most enterprising of these three works. Written less than two months before the opening of the Council, and more than eight months after the flight of the Cardinals, it embodies the spirit of glad surprise which the sudden transformation of events had produced. It shows

[1] du Pin, *Sermo*, 1408, iv. 625. Tantae enim Praedicationes doctrinae et exhortationes factae fuerunt a triginta annis citra et maxime a viginti quatuor annis continue in hoc casu quod solum esset sermo amissus aut in taedium versus si nimium circa hoc quis immoraretur. Quis praecogitasset usque adeo stultum incoeptum . . . ut regiam Personam excommunicare praesumeret et vellet?

[2] Barry, p. 55.

clearly that Gerson has joined the ranks of those who appealed to necessity for guidance; in fact it is an attempt to educate the opinion of the Council in the claims of 'Epieikeia'. "Bound in the chains of work", and unable to attend the Council himself, Gerson writes with greater freedom than he could have spoken in the Council Chamber itself. He drives home his principles with fearless energy.

The opening words take us into the main principle of the treatise. "The Unity of the Church in one sure Vicar of Christ . . . is not to be impeded on account of certain allegations taken from positive law against the celebration of a General Council, or the Way of Cession; as, for example, that the Council cannot be held without the authority of the Pope; that the despoiled should first of all be recompensed; that they must be rejected as enemies who withdraw themselves from obedience; . . . that no one can say to the Pope, 'Why do you act thus?' . . . since he can be judged by no man, nor is subject to any man, nor can be proved to be a schismatic; or that it is dangerous for a Pastor to desert his flock by Cession." [1] A number of considerations are given to disprove such an attitude. At the same time Gerson wants to show that the Council is valid and ecumenical in spite of the fact that it was called by the Cardinals.

The Council must have a spiritual foundation if it is to succeed. The enemy of Peace becomes fiercer as the return of Peace approaches. "By means of pride, cupidity, and envy" he will spread division among those who work for union. He must be prevented by the return of each indi-

[1] du Pin, ii. 114. Unitas ecclesiastica . . . non est retardanda, propter allegationes quasdam ex Juribus positivis sumptas contra celebrationem Concilii generalis, aut viam Cessionis; ut quod Concilium non potest celebrari sine autoritate Papae. Quod spoliatus ante omnia debet restitui. Quod recusandi sunt tanquam inimici qui subtraxerunt se ab Obedientia . . . quod Papae nemo dicere potest cur ita facis? . . . cum a nemine valeat judicari, et nemini sit subjectus, nec possit effici schismaticus. Quod periculosum est pastori deserere gregem suum cedendo.

vidual soul to God—"by the correction of evil ways, by humility and Prayer." "Otherwise the cause of Schism remaining what hope could there be of its ending except in the unconditional Grace of Our Lord Jesus Christ, who is wont to confer great things on the unworthy and the ungrateful?" [1]

Having based all their efforts on a firm spiritual basis, the Fathers are not to fear the situation. "The essential unity of the Church always remains in Christ Her Spouse, for He is the Head of the Church in which we are all one." [2] The Church has power, therefore, to deal with a situation like that of 1409. "If there is no Vicar (of Christ), when, for example, the Vicar is corporally or civilly dead, or since there is no probability that obedience will be offered to him or to his successors by Christendom, then the Church, both by Divine and Natural Law, which no positive law, rightly understood, prevents, can gather in a General Council representing it for the purpose of obtaining for itself one certain Vicar." [3] And a more important conclusion follows. "This may be done, not only by the authority of the Lord Cardinals, but even by the assistance and help of any Prince or any Christian; for the Mystic Body of the Church has no less . . . right and power to obtain its own unity than any other civil mystic or natural body." [4] If the Fathers were not

[1] du Pin, ii. 114. Alioquin manente causa schismatis, qualis de sua cessatione poterit spes haberi, nisi tamen in pura gratia Domini Nostri Jesu Christi, qui immeritis et ingratis conferre solet magna?

[2] *Ibid.*, ii. 114. Unitas Ecclesiae essentialis semper manet ad Christum sponsum suum nam caput Ecclesiae Christus in quo sumus omnes unum (cf. *Contin. Eulog.*, iii. 411. Appellabant etiam ad Gen. Conc. appellabant insuper ad Summum Judicem J.C.)

[3] *Ibid.*, ii. 114. Si non habet Vicarium, dum scilicet mortuus est corporaliter vel civiliter; vel quia non est probabiliter expectandum, quod unquam sibi vel successoribus suis obedientia praestetur a Christianis; tunc Ecclesia tam divino quam naturali Jure, cui nullum obviat Jus positivum ritē intellectum, potest ad procurandum sibi Vicarium unum et certum semet congregare ad Concilium generale repraesentans eam.

[4] *Ibid*, ii. 114. Et hoc non solum autoritate Dominorum Cardinalium, sed etiam adjutorio et auxilio cujuscunque Principis vel alterius Christ-

yet satisfied that the Cardinals could call the Council, let them remember that in such desperate conditions "any Christian" can call it.

The question of the Pope's position is then discussed. The Unity of the Church "in one fixed Vicar of Christ, who in a measure is accidental and mutable, must not be hindered in the least, or delayed on account of the struggle of two men for the Papacy, or of their supporters, if they seek to continue thus, by allegations of positive law and diverse justifications." [1] Men must love the unity of the Church and forgo all thought of personal gain. "For obtaining this unity many evils to single individuals may be forgiven now or in the future without penalty. And certain true or alleged laws may be deferred so that voluntary Cession—or even compulsory Cession—through the authority of a Council may be made." [2] It is a law of Nature that a part should sacrifice itself for the good of the whole (pro suo toto salvando se det). "If either of the Contendents strives to justify himself or to say that injustice has been done to him, we shall say to him, 'You owe yourself and all you possess to the Church; you, called Pastor as you are, however innocent you may be, ought to be prepared to lay down your own life for the Church, or for her salvation, or for her Unity, or to prevent great scandal about her.' " [3] It is better to follow the judgment

iani; non enim habet corpus Ecclesiae mysticum . . . minus jus et robur ad procurationem suae unionis quam corpus aliud civile, mysticum vel naturale veru.

[1] du Pin, ii. 115. Ad unum certum Vicarium Christi, qui quodammodo accidentalis atque mutabilis est, non debet impediri minime, vel differi propter contentionem duorum de Papatu, aut fautorum suorum, si quaerant sic manere per allegationes Jurium positivorum et justificationes varias.

[2] *Ibid.*, ii. 115. Pro sua adeptione possint rationabiliter plurima mala singularium personarum dimitti, nunc vel in posterum sine poena. Et quaedam vera seu praetensa Jura possunt differri, sic quod fiat cessatio voluntaria de eis vel etiam coacta per auctoritatem Concilii.

[3] *Ibid.*, ii. 115. Si quis contendentium justificare se, seu injuste secum agi contenderit; dicatur ei; Tu te tuaque omnia debes Ecclesiae, tu qui

of the Council in these matters than to trust to selfish desire.

The deepest note of the treatise is sounded in chap. v, where the value of using 'Epieikeia' and the danger of abusing it are discussed. From it the rest of the treatise develops naturally, with a growing application of the principle to the events of the day, and with an increasing attack on the ambition and selfishness of the Popes.

In order to secure the Unity of the Church in one certain Vicar of Christ, the Popes must have a chance of appearing before the Council. "First let security be given by Princes and others on behalf of the two Contendents, if they are willing to appear and to proceed to fulfil their oaths and vows." [1] If the Popes refuse, then Cession must be demanded by means of lawful deputies. If they refuse both methods, then the Council must proceed to an Election "by common consent of the whole Council, confirming and approving what two-thirds of the College of Cardinals, or the major and larger part of them, should arrange or determine."[2] Those who wish to remain adherents to either Pope and not to follow the Sentence of the Council, "must themselves see to their own salvation, since the Council and its followers have freed themselves before God and men from the charge of Schism." [3]

Unity is so Holy that the Contendents must not look on

Pastorem te nominas, quantumcunque sis innocens, debes pro ea vel salvanda vel unienda, vel non graviter scandalizanda paratus esse ponere vitam propriam.

[1] du Pin, ii. 116. Primo detur securitas tam per Principes quam per alios quoscunque pro duobus contendentibus, si voluerint comparere, procedendo ad implendum juramenta sua atque vota.

[2] *Ibid.*, ii. 116. Per communem assensum totius Concilii roborantis et approbantis illud quod duo de Collegio Dominorum Cardinalium aut eorum pars major et sanior constituerint aut fecerint.

[3] *Ibid.*, ii. 116. Viderint ipsi de salute sua, quia Concilium istud et sequaces ejus se apud Deum et homines a schismatis imputatione liberaverint.

the Fathers as "their adversaries", but as "the dearly Beloved in Christ". "When voluntary Cession is sought of them, or rejection if they refuse to cede," [1] they must still maintain this feeling. The Fathers have the command of God "in so desperate and inveterate disease of the Common Mother".[2] Pious necessity and necessary piety demand this. But a warning is necessary. The past must be forgotten. "The Unity of the Church in one certain Vicar of Christ seems to be best obtained, if neither before, during, nor after the Council justification or condemnation is sought for those things which have been done up to that moment—such as the unjust entry of one or the other into the Papacy, of Processes hurled at each other, of the breaking of oaths, and of vows, of Withdrawal or Neutrality, or of the limitation of the liberty of particular Churches, of the charge of Schism or of Heresy, of the reproval or praise of membership of one part of the Obedience, of Sentence of Excommunication, or of other penalties. Let such things cease." [3] That is an imperative step.

It may happen, however, that the Popes will continue their stubbornness, and the work of the Council will be futile. Unity will then have to be sought by force. A long list of coercive measures is given in the name of divine and natural law.[4]

[1] du Pin, ii. 116. Dum cessionem ipsorum voluntariam quaerunt, vel eis nolentibus cedere, petunt dejectionem, quatenus ut spiritus eorum salvus fiat, nec Ecclesia diutius perturbetur.

[2] *Ibid.*, ii. 116. Jussionem Dei habent in tam desperato et inveterato Matris communis morbo.

[3] *Ibid.*, ii. 117. Unitas Ecclesiae ad unum certum Christi Vicarium videtur melius procuranda, si neque ante Concilium neque in Concilio, neque postmodum quaerantur fieri justificationes vel injustificationes eorum quae hinc inde facta sunt; ut de intrusione hujus vel illius in Papatum, de processibus primo fulminatis in alterutrum, de violatione juramentorum et votorum de substractione aut neutralitate, vel libertatis Ecclesiarum particularium reductione, de imputatione schismatum vel haeresum, de adhaesione reprobanda vel laudanda alterius partis Obedientiae, de Sententiis Excommunicationum aut aliarum poenarum. Cessent quippe talia.

[4] See List above.

The whole Programme of the Council of Pisa is covered by this important treatise, but there are valuable and additional hints to be gleaned from the speech delivered, at Paris, to the English Ambassadors on their way to Pisa. Gerson delivered it shortly after writing the *De Unitate*. He laments the condition of Christendom and the failure of all attempts at Unity. "No human remedies have proved efficacious up to now, and this terrible Schism, like an incurable disease (cancer), increases with the remedy."[1] Christ is the Head of the Church, but a "secondary Head" (caput secundarium) is necessary. The Way of a General Council is the best way of setting up this secondary Head. Gerson reviews the history of this way since the outbreak of Schism. The University of Oxford is to be congratulated, he says, for seeking the Way of a Council, "though, long before, the University of Paris had solemnly and with united opinion decided that this method should be followed and pursued—even from the beginning of the Outbreak of the Schism."[2] "My Reverend Father and Teacher, now the distinguished Bishop of Cambrai, proposed it before Louis, Duke of Orleans, who was then Regent of France, about which time Henry of Hesse wrote on behalf of the same conclusion. Further, indeed, the University of Paris, after many years, wrote an important letter containing the three ways, among which the Way of a General Council was numbered."[3]

[1] du Pin, ii. 125. Nulla hactenus profuerunt efficaciter humana remedia, quin potius schisma hoc horrendum velut insanabilis cancer aegrescit medendo.

[2] *Ibid.*, ii. 126. Sed pridem antea Parisiensis Universitas ab exordio nascentis divisionis deliberavit solemniter et concordi sententia conclusionem hanc petendam et prosequendum esse.

[3] *Ibid.*, ii. 126–7. Proposuit Reverendus Pater ac Praeceptor meus praecipuus Dominus nunc Cameracensis, coram Ludovico Duce Andegavensi, tunc regente in Francia. Circa quod tempus scripsit pro eadem conclusione clerissimae memoriae Magister Henricus de Hassia. . . . Amplius vero scripsit post multos annos Universitas Parisiensis epistolam grandem continentem tres vias, inter quas Concilium Generale numeratum est.

It is interesting to notice the keen national emulation which runs through this passage.

Another novel feature of the work is the great emphasis laid on the permanence of the Hierarchy and the Visible Church. Schwab is surprised at this, as he shows in the following extract: "A new side of Gerson's view of the Power and Unity of the Church . . . meets us in this speech. By the side of the changing and free elements appears, we cannot say a conservative, but a stable element, which his treatise on the Power of the Church (*de Potest. Eccles.*, 1417), written at Constance in his full development will offer us." [1] The most important passages in the speech which illustrate this are somewhat startling. They seem to show that he was conscious of danger. "The congregation of the Church in one Head, Christ . . . will not last in one woman, nor in lay-people alone, but there will be some faithful Bishops and Priests to the end of time." [2] "O Christ, the Bringer of Salvation," he prays, "Thou hast left to the Church a Vicar as it were a second Head, coming and going in the sure place of Thy Priesthood and Papacy, which are essential, unfailing, and lasting until the end of time" (Papatus essentialis, indefectibilis et manentis usque ad consummationem seculi).

Might it not be that the strange emphasis on these truths was due to the fact that Wycliffe and Lollardry were strong in England? Gerson would save 'Epieikeia' from extremes in the Council of Pisa. Schwab does not seem to have noticed this fact.

Another passage is important because it leads us directly to the next treatise. In spite of the permanence of the Hierarchy, there are times when the Pope—in contradistinction to the Papacy—must yield. "The Congregation of

[1] Schwab, p. 225.

[2] du Pin, ii. 128. Congregat. Eccles. ad unum caput Christum . . . non remanebit in sola muliere, immo nec in solis laicis; sed erunt usque ad consummationem seculi Episcopi et Sacerdotes aliqui fideles.

the Church cannot set up the Papacy, nor destroy it; nevertheless it can by itself and by a Council representing it set up another method of electing the Pope. . . . It can, moreover, remove a Pope, even if he be duly elected, and set up another if it should seem expedient for the edification of the Church, as in the case of grave scandal, or in a doubt which cannot be brought to an end except by the Way of the Cession, or the rejection of the Pope." [1] This passage leads directly to the Treatise in which Gerson justifies the Fathers at Pisa in rejecting the Popes.

The *Libellus de Auferibilitate Papae ab Ecclesia* was written after the deposition of both Popes (June 5th) and before the appointment of Alexander V (July 8th). It is unlike the preceding treatises in that it deals with one single point, "Can a Pope be deposed?" Gerson maintains that there are cases in which a Pope may be deposed for the good of the Church, at the same time making it clear that his principles are not to be treated as a permanent part of Church order. "Those who think the opposite," he says, "that it is right that there should be many Popes, or that any Bishop is Pope in his diocese, or a Shepherd supreme and equal to the Pope, err in the Faith and Unity of the Church against the Article, 'and in one Holy Catholic Church', and those who remain stubborn are to be judged heretics as Marsiglio of Padua and certain others." [2] Again, he seems to feel that the

[1] du Pin, ii. 129. Congregatio Ecclesiastica licet non possit instituere Papatum, vel destituere; nihilominus potest per se vel per Concilium eam repraesentans statuere alium modum eligendi Papam quam modo fit . . . Potest insuper removere Papam etiam rite electum et alium constituere, si ita sibi visum fuerit expedire ad aedificationem Ecclesiae; ut in casu gravis scandali, vel in dubio aliter interminabili, quam per cessionem vel dejectionem Papae.

[2] *Ibid.*, ii. 213. Et oppositum sententientes de Ecclesia, quod scilicet fas est esse plures Papas, aut quod quilibet Episcopus est in sua Dioecesi Papa, vel Pastor Supremus aequalis Papae Romano, errant in Fide et unitate Ecclesiae contra Articulum *et in unam sanctam*, etc., et si pertinaces maneant judicandi sunt haeretici, sicut Marsilius de Padua et quidam aliorum.

Council needs a warning in face of the heresies that were abroad. Lollardry looms large in his mind in all the treatises of this date (1409). He refers to it in a Sermon before the King after the Election of Alexander V; he hints at it in his address before the English Embassy; and in *De Auferib.* he attacks "those in England and elsewhere who have assumed that all dominion and all position are founded on the justice of love".[1]

Having uttered his warning, he desires to show that mere legalism has its dangers. Positive Canons and human traditions cannot be observed literally without reference to time and place. People have forgotten this. Such misunderstanding "gave occasion to the Greeks to leave the Latins; it daily gives much matter for litigation".[2] And especially to-day, when the question of Church Unity is at stake. There are cases when the Pope may be deposed. Celestine resigned the Papacy of his own free will, "but there are some cases, expressed even by Jurists, when a Prelate might, yea when he must, quit his office,"[3] e.g. when scandal to his subjects cannot otherwise be avoided, when the retention of office leads to the endangering of his own salvation, or when such retention hinders the greater good of the Prelate or of his subjects.

The Pope himself can be removed in certain cases. Gerson has summarized his position very succinctly in a later work. "The deposition of the Pope", he says, "has been more extensively explained in other works." "We have shown elsewhere how in six cases a true Pope can be deposed . . .

[1] du Pin, ii. 220. Alioquorum . . . in Anglia et alibi, qui posuerunt omne Dominium et omnem Dignitatem fundari in justitia charitatis. Cf. Sermon before the king on the union with the Greeks. Dicunt aliqui . . . Papam . . . non posse tenere temporalitatem sicut . . . Wiclif.

[2] *Ibid.*, ii. 213. Dedit occasionem Graecis discedendi a Latinis; dat praeterea quotidie materiam multam litium.

[3] *Ibid.*, ii. 214. Sunt autem casus aliqui, etiam per Juristas expressi, quando licitum est Praelato, immo quandoque debitum cedere statui suo.

even when he may not really be a heretic inwardly, but is thought to be one outwardly."[1] The treatise concerned is *De Auferibilitate Papae ab Ecclesia.*

A Pope may be deposed if he is a prisoner among the heathen and there is no hope of his return; if he is imbecile and therefore incapable of holding office; if all the Cardinals die after the Canonical election of the Pope, but before the publication of the result of the Election to the Church; if the Greeks appear disposed to accept Union with the West under a new Pope; if a Pope, canonically elected, refuses to carry out the oath taken at his election. But the case which applied to the conditions of 1409 was the most important. The Church has inherent power to depose "two contendents charged by good and serious men with schism, perjury, suspicion of heresy".[2] The Council of Pisa acted on this principle when it deposed Gregory XII and Benedict XIII.

Compared with Gerson, the other writers on Church Unity are weak and undecided, with the exception of Zabarella and Pierre d'Ailly. The University of Bologna set down its conclusions, but they represent the spirit of hesitance which prevailed in certain quarters. "In the Name of the Father, Son, and Holy Ghost," they begin, "we first of all lay down a proviso, as duty binds us, that if we should say anything . . . opposed to the traditions of the Church, it may be counted as unsaid."[3] Pierre d'Ailly himself, though he wrote so copiously for the Council of Constance, was very cautious in his work for the Council of Pisa. On January 10, 1409, he produced his *Aliquae Propositiones*

[1] du Pin, *De Potest. Eccles.*, ii. 236. Depositio . . . latius in aliis Opusculis apertum est . . . exemplificavimus alias in sex casibus, in quibus verus Papa deponi potest . . . etiam ubi non esset realiter haereticus ad intra, quamvis ad extra talis judicaretur.

[2] *Ibid.*, ii. 216. Duo contendentes diffamati apud bonos et graves de schismate, de perjurio, de haeresis suspicione.

[3] Martène *amp: coll:* vii. p. 894. In nomine Patris et Filii et Spiritus sancti Amen. Primo prolata debita protestatione quod si aliquid dixerimus quod absit devians a traditionibus ecclesiae pro non dicto habeatur.

utiles ad extinctionem Schismatis at Tarascon. His position is a repetition of Gerson's with doubts. "If the Council makes a new election," he says, "it will not do to go on with it before making sure of the adhesion of the whole of Christendom, or at any rate of the greater part of it. . . . Otherwise it would be grafting a new Schism on the old one, and the second mistake would be worse than the first." However, with Gerson he agrees that the Church has power from Christ to summon a Council. Christ said that when two or three are gathered together in His name there was He in the midst of them; he did not say "in the name of Paul or Peter", but "in My name". "Wherever the faithful are gathered together in His name, i.e. in the Faith of Christ and for the salvation of the Church, He stands by them as Leader and infallible Guide." "The unity of the Church does not of necessity depend on or take its origin from the Pope . . . since if there were no Pope the Church would always remain one." [1] The four earliest Councils were not presided over by St. Peter; St. James presided over the Council of Jerusalem, though at a later date the honour was conferred on the Pope, partly as an honour and partly to keep heresy out of the Church. But the Power of calling the Council still resides inherently in the Church as a whole when need arises. "The aforesaid authoritative power remains absolutely and always in the Church Universal itself." It may be used in case of a vacancy in the Papacy, when persecution or heresy breaks out; or when there is a schism in the Papacy. A General Council of the Church "can be assembled not only by the Cardinals, but by any of the Faithful who possess the power and ability . . . since in such necessity all are bound to come to the help of the Church."

[1] du Pin, ii. 112. Ubicunque, congregantur fideles . . . in nomine suo, i.e. in Christi Fide et pro Ecclesiae suae salute, ipse assistit eis tanquam director et infallibilis Rector. Ecclesiae unitas non necessario dependet aut originatur ab unitate Papae . . . quia nullo modo existente Papa, semper Ecclesia remanet una.

Zabarella added one new thought. It is a herald of the future. The Emperor might call the Council, as in the early days of the Church. "When there are many striving for the Papacy," he says, "as they strive to-day, the Council must be called at the desire of the Emperor. It is important to the Emperor that there should be peace in the Roman State." [1] This thought had not been more pointedly discussed since the days of Marsiglio and of Ockham, but it became a matter of frequent discussion before the Council of Constance.

Meanwhile all the thought which surged up within the Council Chamber at Pisa is found in the above treatises. There is no more interesting study than to open the *Acta* of the Council and to trace out the close resemblance between the practical work of the Council and the theories which had been expressed by Gerson and his *confrères*.

A few quotations from the *Acta* will illustrate this; they might have been taken from the heart of the treatises we have just considered.

The Union of the Two Colleges, based on the Teaching of Necessity.

Unionem duorum collegiorum factam fuisse et esse legitime factam et facere unum collegium.—Labbaeus, XI. ii. 2120.

Convocation by the Cardinals.

Est notum . . . in casu tam necessario cardinales habebant hoc facere etiamsi indubitatus papa esset.—Labbaeus, XI. ii. Session IV, answer to doubt 13 of Germ. Ambs.

Concilium generale seu ecclesia congregata judex est competens controversiae praedictae quae merito tangit fidem et quod Concilium est per cardinales maxime in contumaciam defectum seu negligentiam contendentium convocandum.—Labbaeus, XI. ii. 2145.

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[1] *De Schismatibus auct. imperat. tollendis* in Schardius, *De Jurisdictione imperiali*, pp. 688–711. Quando autem sunt plures qui contendunt de Papatu sicut nunc ipsi contendunt debet congregari Concilium ad sollicitudinem Imperatoris. Interest enim ipsius Imperatoris ut sit pax in Romana civitate.

The Power of the Council.

Ad ipsumque concilium spectare et pertinere cognitionem definitionem et decisionem omnimodam causae unionis ecclesiae et schismatis sedandi contra duos contendentes de Papatu, ecclesiam Dei detinentes in schismate.—Labbaeus, XI. ii. 2120.

Unitati ecclesiae quam universale Concilium repraesentat potestas a Christo tradita est ex qua etiam in verum Romanum et indubitatum pontificem si in fide erret, schisma faciat vel alias adversus veritatem evangelii moliatur, potestatem habet in tantum, ut ejus sententiam et particularis sui Concilii revocet et annullet. —Mansi Collect., 925.

Judgment on the Popes.

Fuisse (duos contendentes) et esse notorios schismaticos et antiqui schismatis nutritores, defensores, approbatores, fautores, et manutentores pertinaces, necnon notorios hereticos et a fide devios, notoriisque criminibus enormibus perjurii et violationis voti irretitos, universalem ecclesiam sanctam Dei notorie scandalizantes . . . et ex hiis et aliis se reddidisse omni honore et dignitate etiam papali indignos . . . a Deo et sacris canonibus fore ipso facto abjectos et privatos et etiam ab ecclesia praecisos.—Labbaeus, XI. ii. 2129.

Election of New Pope.

Hoc sacrum Concilium universalem ecclesiam repraesentans consensit disponit, et ordinat quod ipsi sic a divisis creati, ad electionem praedictam procedant . . . nec per hoc potestati dominorum Cardinalium circa electionem Romani Pontificis intendit in aliquo derogare nec aliquid innovare; sed hortatur omnes praedictos dominos cardinales quod ipsi cum caritate ad electionem unius pastoris procedant.—Labbaeus, XI. ii. 2131.

Reform.

Si quis nostrum in summum Romanum Pontificem eligatur, praesens Concilium continuabit nec dissolvet, nec dissolvi permittet, . . . usque quo per concilium ejusdem concilii sit facta debita, rationabilis et sufficiens reformatio universalis ecclesiae et status ejus, tam in capite quam in membris.—Labbaeus, XI. ii. 2130.

The outlook after the Council of Pisa was very dark. "In the place of one Pope . . . three Heads came forth." [1] Three Popes commanded the allegiance of Christendom. Benedict was able to call a large following to Perpignan on November 7, 1408; and Gregory called his followers to Aquileia, July 6, 1408. "Behold what a Union! Yea, look what new division", [2] wrote Theodoric Vrie. There is an interesting chapter in a work written two years after the Council entitled, "The New General Council at Constance, more fitted to reform the Church than the Council of Pisa" [3] (Concilium Generale novum Constantiense aptius ad reformationem quam Pisanum). It contrasts the two Councils, and clearly points out the weakness of the Council of Pisa in the light of experience. "According to the opinion of many, everything was done and discussed as it were by impulse in an impetuous spirit, and not arranged nor carried out after full deliberation as was proper to a Council." [4] People needed more time to think. "The Council forgot that the decisions of Canonists and Theologians are not at once universally accepted. If all Europe had been unanimous in withdrawing from the allegiance of the rival Popes the decision of the Council might have been acted upon as a means of obtaining a new settlement. As it was, there were too many political motives involved in upholding the existing claimants to make it possible that the Council's Pope should receive that universal acceptance which alone could bring the Schism to an end." [5] But the Council of Pisa was not a failure. It had promoted inquiry of a most searching kind

[1] von der Hardt, I. i. 145–6. Pro uno Papa constituendo tria emersere capita.

[2] *Ibid.*, I. i. 147 f. Ecce qualis unio imo vide qualis nova divisio.

[3] *Ibid.*, *De Modis*, etc. (1410), I. iv. 68 ff.

[4] *Ibid.*, I. iv. 113–14. Secundum opinionem multorum, omnia fuerunt quasi primis motibus facta et agitata, spiritu vehementi, et non matura deliberatione, ut etiam concilium decebat, ordinata, nec completa. He adds: Cooperante Domino, ut speratur, cessabit, impetus primi concilii.

[5] Creighton, i. 256.

into the basis of Church authority, and had therefore prepared the way for the success of the Council of Constance. It is interesting to remember that Christendom did not lose hope by the temporary enthronement of three rivals. That was because the Council of Pisa was not really over; it was to be continued. "The Council of Constance is only the logical continuation of the Council of Pisa",[1] said Pierre d'Ailly. The English Chronicler caught the secret when he wrote, "The Council of Pisa was afterwards transferred to Constance." [2]

The six years which elapsed between the two Councils was spent in turning impulse into mature thought, and in popularizing the principles of the Conciliar Movement. It was a time of quiet reflection on the work of the Council of Pisa, and it ended in the mature deliberations of the Council of Constance. The treatises which lay behind the practical work of 1415–18 are the completest embodiment of the Conciliar Idea, and their completeness is due entirely to the controversy and reflection which followed the Council of Pisa.

Doubt was present in Pisa itself. The ambassadors of Rupert the Emperor put forward no less than twenty-three objections to the Council when they came forward on April 15, 1409. Most of them are mere trifles, but the best of them are an insight into the difficulties of the time. There is no doubt that most people who held these views were as keen as the Fathers themselves "to remove the pestiferous schism" (ad remotionem istius pestiferi schismatis). And it is certain that the Council was very much shaken by hearing the other side of the question; so much so that there was a feeling of gloom cast over them until Peter d'Ancorano had answered the twenty-three objections satisfactorily—then "Le Concile fut moult reconforté". [3] The main objection

[1] von der Hardt, ii. 192.
[2] *Cont. Eulog.* (1408). Quod postea translatum est ad Constanciam.
[3] Lenfant, p. 271.

was against the setting aside of the Pope in the work for unity. "It is doubtful whether obedience may be withdrawn in order to bring about unity, since evil should not be done that good may come." [1] The answer is very emphatic: "It is holy and good and just to do so in our case when circumstances and other things have been taken into consideration." [2] Another important doubt is connected with the convocation of the Council by the Cardinals. "Does not the Convocation of the Council belong to the Pope?" [3] asked the Embassy. "The Convocation of the Council by Gregory was to hinder the General Council, and in a case so necessary the Cardinals had to do this even if Gregory was the undoubted Pope",[4] was the reply. Here, again, we notice the call to 'Epieikeia'.

A few words may be added in passing with reference to the Convocation of the Council by the Cardinals. There is no doubt that the assembly was "made in a way . . . unheard of until then".[5] Canon Law was emphatic "that a General Council cannot be legitimate if the Pope has not convoked it", or, as the *Catholic Encyclopaedia* puts it, "Logically and in the nature of the thing the right of Convocation belongs to the Pope alone." The way in which the Council of Pisa interpreted this law in the light of circumstances was an illustration of the spirit of the times. d'Ailly says that "regularly" the Pope must call the General Council, but "it

[1] Labbaeus, Session IV, Doubt 5. Dubium est Utrum obedientia sit subtrahenda ad faciendum unionem cum non sunt facienda mala ut bona eveniant.

[2] *Ibid.* Sanctum bonum et justum in casu nostro attentis circumstantiis et aliis.

[3] *Ibid.*, Session IV, Doubt 13. Nonne Convocatio concilii pertinet ad Papam.

[4] *Ibid.* Convocatio ipsius Gregorii erat impedire concilium generale . . . et ideo . . . in casu tam necessario cardinales habebant hoc facere etiamsi indubitatus papaesset.

[5] Lenfant, p. 111. Assemble d'une manière toute extraordinaire inouie jusqu'alors.

is clearly shown by divine and natural law that this rule may have exception in certain cases, and especially in the case of the Council of Pisa" [1] (specialiter in casu Pisani concilii). Niem boldly declares, "It is fitting that new remedies should be prepared for new diseases" [2] (Novis morbis nova convenit antidota praeparari).

Another doubt was expressed "about the union of the Lord Cardinals of one College with those of the other". Again the union of the two Colleges is justified under the pressure of necessity.[3]

The doubt about the judgment of the Popes in such a Council is the only one of importance remaining. "It is doubtful whether Lord Gregory is bound to appear . . . at Pisa, and if he does not come whether he can be judged." [4] But it is clear that the Fathers had been so well instructed in the power of the whole Church as the supreme authority that they felt no real difficulty in carrying out the practical judgment of the Popes.

Controversy is the way to mature thought. The discussion raised by the twenty-three doubts of the German Embassy and by conservatives generally led naturally to the three most mature treatises ever written in favour of Conciliar action. The success of the Council of Constance, in restoring unity to the Church, was not based on the chances of a moment, but on a complete and detailed system of ideas worked out by the best minds of the day. These ideas can best be studied in d'Ailly's *De Officio Imperatoris Papae Reliquorumque membrorum concilii Constantiensis pro emendatione Ecclesiae*,[5] written at the opening of the Council

[1] von der Hardt, *De Offic. Imp.*, I iv. 443.
[2] *Ibid.*, *De Necessitate*, I. iv. 280.
[3] Dubitatur circa dominorum unius collegii cum dominis alterius unionem.
[4] Dubium est utrum dominus Gregorius in convocatione facta in loco Pisarum teneatur comparere et si non venerit an possit judicari.
[5] von der Hardt, I. iv. 436 ff.

of Constance (1415); in the *De Potestate ecclesiastica*[1] of Gerson, written after the Great Decree of the Fourth Session and before the end of the Council (1417); and in *De Modis uniendi ac reformandi ecclesiam in concilio universali*,[2] written in all probability by Dietrich of Niem two years after the Council of Pisa (1410).

Pierre d'Ailly had preferred ecclesiastical favour to schemes for Church Unity in the earlier part of the Schism. A mandate had once at least been issued for his arrest when he refused to withdraw obedience from Benedict at the command of the King (1406). But, remaining with the Pope until there was no hope left, he at last joined the Leaders of the Conciliar Movement, and placed his services at their disposal. It shows clearly how perplexing the situation had become when so moderate a thinker as d'Ailly forsook his greatest benefactor. The spirit of the man is described in a letter from Nicholas of Clémanges to Benedict. "Behold," he writes, "you have among your illustrious men one most skilled in scholarship, worthy of all praise in Faith, prudence, uprightness, and burning with zeal for the unity of the Church . . . and a light to our age. . . . Love him, honour him, embrace him . . . and without doubt you will not lose, nor repent of having chosen such a master." [3] He had spoken with reserve during the Council of Pisa, but in 1415 he came forward as one of the foremost leaders of the Movement against the Popes.[4]

His treatise begins with a note of joy that "the Sun, Moon, and Stars" are all shining together "in this sacred

[1] du Pin, ii. 225 ff.

[2] von der Hardt, I. iv. 68 ff.

[3] *Ibid.*, I. ii. 28. En habes inter viros egregios virum literis eruditissimum, fide, prudentia, probitate, commendatissimum, et zelo unitatis ecclesiasticae ardentissimum, Petrum Cancellarium Ecclesiae Parisiensis et . . . lumen nostri aevi . . . hunc dilige, cole, amplectere. Huic quasi alteri tibi omnia committe. Et proculdubio non falleris, nec te talem magistrum elegisse pigebit.

[4] Bulaeus describes him as "Constantiensis Anima".

Council". "In the Sun there is the Papal Majesty", he says, "which presides over the day, that is over the spiritual realm. The Moon is the Imperial power which presides over the night, that is, over temporals. And the Stars are the variety of the different ranks in the Church." [1] "There is one glory of the Sun, another glory of the Moon, and another glory of the stars, and one star differeth from another star in glory", says the Apostle. "Behold, therefore, how good and joyful a thing it is to see the varied glories of these luminaries." [2]

The Papal office is like the Sun by the height of position, if the Pope enters on it sincerely; by the greatness of its condition if he lives faithfully; and by the use of its efforts if he rules well. But the opposite may occur. The dignity of Election, Life, and Work may be debased. There may be "sad signs" on our Sun. There are three Popes. "Would that the Blessed Trinity would destroy these phantoms which have struggled to make a triple division in the Papacy to the reproach of the indivisible Trinity." [3] It is imperative that there should be one only Pope. "This sacred Council was arranged specially for this purpose."

The position of the Emperor is discussed in detail, and it is necessary to remember that this is the first time during the Conciliar Movement that the Emperor was considered in his relation to the Council by a Frenchman. Until now the supreme place had been held by the King of France.

The Council should rejoice "because the Most High King

[1] von der Hardt, I. iv. 437. In sole Papalis Majestas, quae praeest diei, id est, spiritualibus; in luna Imperialis potestas quae praeest nocti, id est, temporalibus. In stellis vero diversorum statuum Ecclesiasticorum varietas.

[2] Ecce ergo, quam bonum et quam jucundum est, horum luminarium variam charitatem videre.

[3] von der Hardt, I. iv. 440. Utinam, inquam; illa simulacra conterat, quae in contumeliam individuae Trinitatis trinum sibi nomen papatus multiplicare conati sunt.

of the Romans has humbly desired to be present".[1] Peace is impossible without the co-operation of the King. The Moon is the "lady who follows the Sun's example; she is the ruling Mistress of the Sea, and the attendant of the dew." So the true Emperor must possess the "brilliance of noble prudence, of spiritual love, the force of great power to make temporal changes, the sweetness of merciful piety and of true clemency"; so that by "his prudence Truth may shine in the passing of judgment; by his power severity may glow in the punishment of crime (error); by his clemency sweetness may charm by the mitigation of suffering." [2] "Our King will be worthy to take the sword . . . against the proud and rebellious, but chiefly against heretics and heathen." [3] He will remember the words of the Poet, "Parcere subjectis et debellare superbos", and temper severity with equity. He will make it part of his duty "to follow the example of the Most Religious King Constantine".[4] One warning must be given him. He will preside at the Council, "not that he may determine by regal authority the spiritual and ecclesiastical matters discussed there, but that he may protect by his power those things which have there been determined by synodical determination. In short, not to draw up synodical decrees, nor to confirm them when drawn up, but rather reverently to preserve them, and to coerce the pride and obstinacy of the disobedient by his temporal sword to the observance of them." [5]

[1] von der Hardt, I. iv. 442. Quia Serenissimus Romanorum Rex huic sacro generale Concilio humiliter voluit interesse.

[2] *Ibid.*, I. iv. 441. Ut per ejus prudentiam clarescat veritas in discernendis judiciis. Ut per ejus potentiam fervescat severitas in corrigendis vitiis. Ut per ejus clementiam dulcescat serenitas in sublevandis miseriis.

[3] *Ibid.*, I. iv. 442. Dignus erit rex noster gladium accipere . . . contra superbos et rebelles maxime contra hereticos et infideles.

[4] *Ibid.*, I. iv. 442. Exemplum imitari religiosissimi Principis Constantini.

[5] *Ibid.*, I. iv. 442. Non ut spiritualia et ecclesiastica negotia hic tractanda regia autoritate definita, sed ut ea, quae synodali determina-

The beautiful harmony of the Sun and Moon stirs d'Ailly into ecstatic joy. "In this sacred Council", he sings, "we see the Sun and the Moon, that is the spiritual and temporal Powers, attend on each other. What a happy event!" [1] The Prophet's words are fulfilled. "Sol et Luna steterunt in habitaculo suo."

The Stars have an important place in the Council. "No Catholic, even though he be a schismatic, is excluded from this gathering. But the rank and file and ignorant are not specially called; instead, it is those who are worthy to be compared with the stars of Heaven, in their triple splendour, namely, in the height of their great eminence, in the brilliance of their refulgent wisdom, and in the power of their surpassing influence." [2] Humility is the first duty of the Stars. The message on their lips as they enter the Council must be, "We are present in humility to give our peculiar help in filial obedience."

The Council must be called by the Pope, "Namely, by him who has the distinguishing mark of the *plenitudo potestatis*, by the Supreme Pontiff, who alone can call a General Council, as Common positive Law proves." [3] This statement shows clearly that John XXIII was regarded as

tione definita fuerint, sua potestate defendat. Non denique . . . synodalia decreta statuere, aut statuta confirmare, sed ea potius reverenter conservare, et ad eorum observantiam, superbam inobedientium contumaciam suo temporali gladio coërcere.

[1] von der Hardt, I. iv. 442. O igitur felicem . . . in hac sacra synodo videmus solem et lunam, id est spiritualem et temporalem potestatem sibi invicem assistere.

[2] *Ibid.*, I. iv. 443. Licet enim nullae personae catholicae, etiamsi sint schismaticae, ab hac congregatione sint exclusae. Non tamen specialiter sunt vocatae infimae aut ignorantes personae, sed illae praecipuè, quae in triplicis conditionis nobilitate stellis coeli sunt merito comparandae, videlicet in sublimitate excellentis eminentiae, in claritate refulgentis sapientiae, in potestate praecellentis influentiae.

[3] *Ibid.*, I. iv. 443. Ab illo videlicet, qui praelationis ac potestatis plenitudinem habere dignoscitur, id est, a summo Pontifice, qui solus potest generale Concilium convocare, sicut per communia jura positiva probatur.

the rightful Pope by his succession from Alexander V, who was elected at the Council of Pisa. Labbaeus gives us a further hint on the question. "The Pope", he says, "by continuing the Council of Pisa elsewhere, decreed that this Council should again be called to the City of Constance, which city he solemnly entered on Sunday, October 28th, and convoked the Council on the first day of this month." [1]

d'Ailly rejoices at the gathering of the Sun, Moon, and Stars. Their duty is defined by him. "In this Sacred Synod, the Sun, Moon, and Stars are gathered for three special purposes. To correct what was wrong in the past, to arrange for the present, and to make provision for the future." Two warnings are given. Although the Pope is to call the Council, "the authority of making decrees and statutes is not to be given to the Pope alone, but to the whole General Council" [2] (non est attribuenda soli Pontifici sed toti Concilio Generali). But further, d'Ailly is a great reformer. His *Tractatus super Reform.* is a list of reforms long due in the Church. We are not, therefore, surprised to find a clear and outstanding statement written, as it were, on the lintel of the door of the Council Chamber at Constance. "There is no real Union without Reform, and no true Reform without Union." [3]

The *De Potestate Ecclesiastica* is the mature thought of one who had given his strength, time, and money to the Cause of Church Unity for a period of nearly forty years. For symmetry and balance, for ripe and wise judgment, for deep and clear thought, there is no treatise of the Conciliar Period

[1] Labbaeus, xii. 9. Papa qui alias continuando Pisanum generale Concilium statuit ipsum concilium iterum convocandum ad hanc civitatem Constantiensem quam civitatem die dominica 28 mensis Oct. solemniter . . . intravit et ita convocavit ad primum diem hujus mensis.

[2] In hac sacra synodo sol, luna, et stellae propter tria specialiter congregentur. Primo ad praeterita corrigenda, secundo ad praesentia ordinanda, tertio ad futura providenda.

[3] von der Hardt, *De Offic. Imp. Pap. Reliq.*, I. ii. 436. Nec vera unio sine Reformatione nec vera reformatio sine unione.

to surpass it. It is Gerson's Testament to the Church, in which he places the General Council among the permanent machinery of the Church.

The opening chapters are of a general nature. They describe how the treatise is the culmination of a process, the summary of many discoveries and experiences of half a century. Quoting the Comic Poet, "There is nothing said to-day which has not been said before", Gerson feels it to be a privilege that he can summarize the conclusions of others on his subject. "It is enough", he says, "if I compose in my own words and in my own order, after the manner of bees, a sort of honeycomb of truth from the teachings and good discoveries of others." [1]

The General Conclusions are an introduction to the more particular. "The power of the Church is that power which was conferred supernaturally and particularly by Christ on His Apostles and disciples, and on their legitimate successors, to the end of time, for the edification of the Church militant, according to the laws of the Gospel for the securing of Eternal happiness." [2] The qualification "particularly" is added to make a distinction between the Power of the Church "and those gifts which may be common to every wayfarer, as Faith, Hope, Charity, Prophecy, Fear, Piety"; and "Church" is used in a contracted sense for "those who by a certain distinct mark have been consecrated to divine service, from the clergy who hold the lowest rank to the highest rank with which the Pope is honoured".[3] Charity

[1] du Pin, ii. 227. Satis est si ex bene inventis et doctrinis aliorum, ego meis verbis, meo ordine, favum aliquem veritatis, instar apum . . . compingam.

[2] *Ibid.*, ii. 227. Potestas ecclesiastica est potestas quae a Christo supernaturaliter et specialiter collata est suis Apostolis et discipulis, ac eorum successoribus legitimis, usque in finem seculi ad aedificationem Ecclesiae Militantis, secundum Leges evangelicas pro consecutione felicitatis aeternae.

[3] *Ibid.*, ii. 227. Quae omni viatori possunt esse communia, sicut sunt Fides, Spes, Charitas, Prophetia, timor, pietas, et similia . . . pro illis

or Grace does not make a title to power. "This was the old error of the Waldenses and of the Poor Men of Lyons, which Wycliffe and his followers tried to renew, but it was justly condemned. For why? Lest the Order of the Hierarchy and Power of the Church should remain unstable, hazy, and uncertain." [1] The Church's Order must be maintained at all costs. Judas was made a Priest by Christ (Luke xxii. 19). Therefore Order is not based on Faith (in Fide), nor on Grace (vel gratia). The Power of consecrating the Bread and the Wine "is ineffaceable, irremovable, illimitable in its essence, since whoever is a duly ordained Priest . . . undoubtedly consecrates the elements even if he is excommunicated, heretical, or if in any way he is deprived of his office".[2] Different members of the Hierarchy have different functions. "A man who is simply a Priest, according to the Common Judgment of the Doctors, cannot confer orders, nor give the sacrament of Confirmation . . . a Bishop ordains, etc." [3]

We pass from considering the Power of the Church as Order to consider it as Jurisdiction; and here the big problems of the Conciliar Movement come directly into view (especially in chaps. iv, viii, and x).

The Power of Excommunication is founded on Christ's words in Matt. xviii. 15 and St. Paul's interpretation of them in 1 Cor. v. 11. It is one aspect of "the coercive power of

videlicet qui speciali quodam signaculo dedicati sunt ad divinum servitium, a Clericatura quae infimum tenet gradum, usque ad supremum quo Papa decoratur.

[1] du Pin, ii. 227. Fuit error vetus Waldensium et pauperum de Lugduno, qui per Wicleff et sequaces suos renovari quaesitus est; sed juste damnatus. Cur ita? Ne Hierarchicus Ordo potestatis Ecclesiasticae maneat instabilis, vagus et incertus.

[2] *Ibid.*, ii. 228. Inabdicabilis est, inauferibilis, et illimitabilis in sua essentia; quoniam quisquis est Sacerdos rite consecratus . . . consecrat utique, etiam si excommunicatus, si haereticus, si quomodocumque degradatus extiterit.

[3] *Ibid.*, ii. 229. Simplex Sacerdos, juxta communem Doctorum sententiam, non potest Ordines conferre, neque Sacramentum Confirmationis dare . . . Episcopus ordinat, etc.

the Church for the guidance of subjects towards eternal happiness". But such coercive power is not limited to subjects. "The *plenitudo potestatis* of the spiritual sword and the execution of it in the Church are founded, without any possible subterfuge, upon these texts—when used against any Christian who is our brother, and even against the Pope. Nor are we to understand by 'Hear the Church', 'Hear the Pope', since Christ was speaking to Peter." [1] Again, "the power of defining, determining, arranging, deciding, of forming Precepts, Laws, and Canons . . . as far as calling upon the secular arm is founded on these texts." [2] "The deeds and decrees of this sacred Council of Constance confirm this opinion, especially those of the public session, April 6, 1415, of which, among others, there are two primary decrees." [3] Then follow the two well-known decrees; the first making the Council superior to the Pope in "those things pertaining to Faith and the destruction of the Schism, and to the General Reform of the Church of God in Head and Members"; the second warning the Pope, who obstinately refuses to obey the decrees of the General Council, that "he will be subjected to the treatment he deserves, and duly punished, if need be, by recurrence to other legal aids". [4] The words of St. Augustine must be remembered, "The

[1] du Pin, ii. 231. Fundatur rursus, absque omni calumnia possibili, in hoc textu, plenitudo potestatis gladii spiritualis, et executio ejus in ecclesia, super quemlibet Christianum, qui est frater noster, etiam si Papa fuerit. Nec accipiendum est hic 'Dic Ecclesiae' id est Papae; quoniam Christus Petro loquebatur.

[2] *Ibid.*, ii. 231. Fundatur etiam in hoc textu, . . . potestas definiendi, determinandi, statuendi, discernendi, constituendi Praecepta, Leges, et canones usque . . . ad invocationem Brachii secularis.

[3] *Ibid.*, ii. 231. Confirmant hanc sententiam statuta et practicata in hoc sacro Constantiensi Concilio, praesertim 6 Aprilis Anni MCDXV in sessione publica. Cujus inter cetera sunt haec Decreta duo prima.

[4] *Ibid.*, ii. 231. Quae pertinent ad Fidem, et extirpationem dicti schismatis, ac generalem reformationem Ecclesiae Dei in capite et in membris. . . . Condignae poenitentiae subjiciatur, et debite puniatur, etiam ad alia Juris subsidia, si opus fuerit, recurrendo.

keys of the Church were given to the whole Church" [1] (claves Ecclesiae datae sunt unitati). And there are special reasons why this should be so. The promise has been made to the Church that the Gates of Hell shall not prevail against her, nor shall her faith fail; this promise has not been made to the Pope. Again, the power of the Pope is present in the whole Church—non sic e converso. The Church contains every separate power within her—non sic Papa. And again, "The Church can establish obligatory laws and laws which bind even the Pope himself, even his person, . . . but on the contrary the Pope cannot judge the whole Church, or limit the use of her power; if, indeed, a Pope establishes Laws and Canons, the maxim of Augustine must be observed, 'Laws are made when they are promulgated, but they are established when they are approved by the behaviour of those who use them.' " [2] This must be said to suppress the presumption of certain High Pontiffs.

A fantastic division between the floating and the permanent elements in the Church is given next. It had been referred to in the *Oration before the English Embassy*, and is emphasized here for the same reason—to avoid any suspicion of Lollardry arising from the liberal views expressed about the relation of the Pope to the Church. The essential parts of the Church are "the Papacy, the Cardinalate, the Patriarchate, the Archiepiscopate, the Episcopate, the Priesthood". "If people ask whether the Papal power is greater than that of the Church, or the converse, it amounts to the same thing as asking whether the whole is greater than the part, or a

[1] See contrast between "uni" and "unitati" in *De Auf.*; also *De Potest.*, c. xi, non uni sed unitati.

[2] du Pin, ii. 232. Ecclesia potest condere Leges obligantes, et regulantes etiam ipsum Papam, tam quoad personam . . . non sic e contra potest Papa judicare totam ecclesiam, vel usum suae potestatis limitare; immo si Papa condat Leges et Canones, videtur observandum illud quod dicit Augustinus. "Leges instituuntur cum promulgantur; firmantur autem cum moribus utentium approbantur."

part less than the whole. It therefore follows that if a General Council represents the Church Universal completely and fully, it is necessary for it to include the authority of the Pope, either if there is a Pope, or if he has ceased to be Pope by natural or civil death." [1] The Papacy is constant to the end of time, but the Popes change; and the same is true of the other elements of the Church.

A quick return to the question of the hour is made in chap. x. This chapter is a psalm in praise of 'Epieikeia'. "Blessed be God," Gerson sings, "who by this sacred Council of Constance, illuminated by the light of divine law . . . hath freed His Church from the pernicious teaching of those who cling to the letter of Canon Law, by the constant existence of which, schism was continuously nourished. For it has declared and decreed that a General Council can be convened without the Pope, and that a Pope can in certain cases be judged by the Council. Above all, that the General Council has authority to frame laws or rules, according to which the *plenitudo potestatis* of the Pope . . . is modified in its use. Therefore an exception was made to Papal authority as pressing necessity or obvious need demanded." [2] It is

[1] du Pin, ii. 235. Quae sunt Papatus, Cardinalatus, Patriarchatus, Archiepiscopatus, Sacerdotium . . . Propterea quaerere si Papalis autoritas sit major quam Ecclesia, vel e converso, redit in idem ac si peteretur: Nonne totum est majus sua parte, vel pars minor suo toto? Proinde sequitur quod si generale Concilium repraesentet Universalem Ecclesiam sufficienter et integre, necesse est, ut includat autoritatem Papalem, sive Papa sit, sive desierit esse per mortem naturalem aut civilem.

[2] *Ibid.*, ii. 240. Benedictus autem Deus, qui per hoc Sacrosanctum Constantiense Concilium illustratum divinae Legis lumine, . . . liberavit ecclesiam suam ab hac pestifera perniciossimaque doctrina, qua semper manente, perseverasset semper schisma nutritum ab ea. Declaratum nempe decretumque est: quod et sine Papa generale Concilium convocari, et a Concilio Papa judicari certis casibus potest. Quodinsuper habet autoritatem generale Concilium praescribere Leges, seu Regulas, secundum quas plenitudo potestatis Papalis . . . in usu suo moderanda regulandaque est . . . ergo Papalis autoritatis exceptio facta prout occurrens necessitas vel evidens utilitas postulabat.

the help of this *exceptio* that Gerson prizes. He knows full well that the Pope has the Plenitude of Power *formaliter et subjective*,[1] but there are times when the whole Church must take over the executive side of it "for the common good" (pro communi civium utilitate).

The last chapters drive the conclusion home. The Church, or the General Council representing the Church, watches over the end or purpose of the Power of the Church, namely, for the good of the whole. "Since therefore the High Pontiff, who has the Plenitude of Power subjectively, is liable to sin, and may want to turn his power to the destruction of the Church . . . it remains that there should be . . . an unfailing rule from the Highest Legislator, Christ, according to which abuse of this power can be curbed, directed, and moderated." "This rule is the Church or General Council." [2] "On this", he continues, "are founded those many things which have been decided and performed by this sacred Council, as that the Pope can be judged and deposed by the Council . . . and one can say to him 'Why do you act thus?' "[3] This rule is helpful when the Pope is dead or deposed. Then the General Council can elect a Pope in the way it may choose . . . either in the accustomed manner (modo solito) by the Cardinals, or by another way. But it is necessary to lay down

[1] du Pin, ii. 239. Potest. Eccles. in sua plenitudine est formaliter et subjective in solo Romano Pontifice.

[2] *Ibid.*, ii. 243. Cum igitur summus Pontifex habens eam subjective sit peccabilis et possit hanc potestatem in destructionem Ecclesiae velle convertere . . . superest ut aliqua sit relicta inobliquabilis et indeviabilis regula ab optimo Legislatore Christo secundum quam possit abusus hujusmodi potestatis reprimi, dirigi atque moderari. Haec autem regula est vel Ecclesia vel generale Concilium.

[3] *Ibid.*, ii. 243. Hic fundantur ea multa quae per hoc sacrum Concilium et constituta et practicata sunt: ut quod Papa judicari potest et deponi per Concilium . . . et sibi potest dici "Cur ita facis?" Gerson's discussion of Ecclesiastical Power is thorough and technical. I have tried to describe it in its relation to the needs of the problem of the time. For further discussion on it see Gierke, p. 157, Hübler, pp. 385 ff.

a warning that the work of the Council is only to "limit" and to "supplement" the Power of the Pope, and not to destroy it. "A General Council neither must, nor can, endure such a failure of the Head to the end of time. It can make up the defect, however, when necessity urges, or evident need warns."[1] Gerson is anxious to give the Council its true place in the Church, but he is greatly concerned about the heresies of Wycliffe and others.

Some important practical details are given in the course of the Treatise. As regards the continuation of General Councils, we read that "there will be no more pernicious disaster in the Church of the future than the omission of General and Provincial Councils".[2] Of the troublesome despotism of the Papacy over the ordinaries and the Clergy, we read, "There will be no authority if the High Pontiff wants to usurp the possessions, institutions, laws, position, rank, and offices of the lower clergy."[3] And the treatise reiterates its attack on Wycliffe and his followers; this time because they cry, "Take . . . all temporalities, rule, and *dominium* from Ecclesiastics."[4] Here is the secret of Gerson's attitude to John Huss at the Council of Constance.

It is useful to compare the *De Potest.* of 1417 with the *De Unitate* of 1409. The difference between them is the difference between the spirit of the Councils of Pisa and Constance. One is like an impulsive youth who rejoices in his abundant energy; the other is like a full-grown man rich in the discipline of life's experience. There can be no doubt

[1] du Pin, ii. 245. Generale concilium neque deberet, neque posset talem defectum capitis, usque in finem seculi tolerare . . . potest tamen supplere, dum necessitas urget vel suadet evidens utilitas.

[2] *Ibid.*, ii. 237. Nec erit in posterum perniciosior pestis in ecclesia quam ommissio generalium Conciliorum et provincialium.

[3] *Ibid.*, ii. 237. Autoritas nulla erit si solus Summus Pontifex omnia velit inferiorum Ecclesiasticorum usurpare institutiones, jura, status, gradus et officia.

[4] *Ibid.*, ii. 246. Tolle, Tolle . . . temporalitatem omnem, Jus, vel Dominium ab Ecclesiasticis.

that Gerson realized the cause of the failure of the Council of Pisa as regards its practical policy; and that the success of the Council of Constance, in restoring a United Head to the Church, was entirely due to the careful and steady procedure of the work of the Council. It was better to call the Popes before the Council for a just scrutiny of their deeds and to treat them with Christian courtesy, than to begin by threats to cast them down from all rank, and even to deprive them of life. The main principles underlying the work of the Councils are the same, though their application was made with all the difference between rashness and reason.

The *De Modis Uniendi* is the most fascinating, if not the greatest, work of the whole period. The Problem of Authorship has occupied the minds of German scholars since the time that Schwab attacked the traditional view.[1] Moreover, there is a note of prophecy running through the entire work. "We are justified", says Creighton, "in regarding the *De Modis* as containing the fullest statement of the opinions and aspirations of the German reforming party." [2] And the German reforming party led indirectly to the Reformation.

The work opens in dialogue fashion. A question of doubt had been raised as to whether "a remedy may be found for this only Spouse of Christ, our Only Mother." [3] "I have sought it from my youth", is the reply. "I implore it and desire it, and, as you think, I shall not see it." [4] From such a gloomy prospect the writer turns to a novel, though beautiful, conception of the Church.

The Church of Christ is the greatest community on earth. Other communities are "collections of the passing

[1] See Appendix B, p. 200. [2] ii. 362.

[3] But it is fragmentary. I have taken the thought as it appears in von der Hardt, but see Appendix.

[4] von der Hardt, I. iv. 68. Remedium pro hac Christi unica sponsa, unica matre nostra inveniatur? Hoc exquisivi a juventute mea, hoc exposco, hoc desidero et, ut putas, non videbo.

multitude" (coetus multitudinis temporalis), but the Church is "the congregation of spiritual people" (congregatio populi spiritualis); others last for a time (ad tempus patent), the Church until the end of time (usque ad finem); while they save the perishing body the Church saves the eternal soul.

But the Church can be viewed from two aspects. "In fact", the writer replies, "you know well that the Catholic Universal Church is the name given to the union of different members who form one Body, of Greeks, Latins, and Barbarians, who believe in Christ, of men, women, peasants, and nobility, of poor and rich; of which Body . . . Christ is the only Head. Others, like the Pope, Cardinals, Bishops, Clergy, Kings, Princes, and People, are members arranged in various ranks." [1] The Pope is not the Head of the Church Universal, but only the Vicar of Christ, whose place he occupies on earth (ejus vicem gerens in terris). "In this Church and in its Faith all men may be saved, even if no Pope may be found in all the world." [2] This Church has the Power of Binding and of Loosing; to it were committed the seven sacraments; and in it is everything necessary to salvation. It cannot err, nor fail, nor endure Schism. "In this Church all the faithful in so far as they are faithful are one in Christ, in whose faith there is no difference between Jew and Greek, Lord and Servant." [3]

[1] von der Hardt, I. iv. 70. Revera ut bene noscis, Catholica, universalis Ecclesia, ex variis membris, unum corpus constituentibus, sive ex Graecis, Latinis, et barbaris, in Christum credentibus, ex hominibus et mulieribus, ex rusticis et nobilibus, ex pauperibus et divitibus est conjuncta et nominata. Cujus corporis . . . caput Christus solus est. Caeteri vero, ut Papa, Cardinales, et Praelati, Clerici, Reges et Principes ac plebeii, sunt membra inaequaliter disposita.

[2] *Ibid.*, I. iv. 70. In hac ecclesia et in ejus fide omnis homo potest salvari, etiamsi in toto mundo aliquis Papa non posset reperiri.

[3] *Ibid.*, I. iv. 70. In ista etiam omnes fideles, in quantum fideles sunt, unum sunt in Christo in cujus fide non est distantia Judaei, Graeci, Domini et Servi. (See Lacey, p. 52, for relation of such a conception to the Lambeth Appeal to all Christian people.)

With a sigh of distress the writer quits the ideal for the actual. "The other Church is called Apostolic, Particular, and Private, and is included in the Catholic Church, and is formed of the Pope, Cardinals, Bishops, Prelates, and Churchmen. It is usually called the Church of Rome, of which the Pope is believed to be the Head—it can err, and both deceive and be deceived, and fall into heresy and schism, and may even pass away." [1] The authority of the Universal Church supersedes it; though it has, as it were, "an instrumental and executive power over the keys of the universal Church, and an executive power of binding and loosing." [2] "These two Churches therefore differ as genus and species, so that the whole Apostolic Church may be Catholic, but not *vice versa*."[3]

The question naturally arises, "For the union and renewal of which Church must we work?" (pro cujus igitur ecclesiae unione et redintegratione est laborandum)."To be sure for the salvation of this Universal Church." [4] Who shall begin? "Indeed, when the Pope is not mistrusted, and there is no question about the unity of the Head, it belongs primarily to him. Otherwise to the greater part, or to the whole body of Bishops, Prelates, and secular Princes, I think it belongs. And whatever they do in this matter must be kept as a question of faith." [5] It is such an important matter that even

[1] von der Hardt, I. iv. 71. Alia vero vocatur Ecclesia Apostolica particularis et privata, in Catholica Ecclesia inclusa, ex Papa, Cardinalibus, Episcopis, Praelatis et viris ecclesiasticis compaginata . . . haec errare potest, et potuit falli et fallere, schisma et haeresim habere, etiam potest deficere.

[2] *Ibid.*, I. iv. 72. Quasi instrumentalis et operativa clavium universalis Ecclesiae et executiva potestatis ligandi et solvendi ejusdem.

[3] *Ibid.*, I. iv. 72. Differunt ergo hac duae Ecclesiae sic ut genus et species, cum omnis Apostolica sit catholica, et non vicissim.

[4] *Ibid.*, I. iv. 71. Revera pro illius universalis Ecclesiae salvatione.

[5] *Ibid.*, I. iv. 71. Revera, ubi Papa non esset suspectus, et ubi non agitur de unione capitis, ad eum primo pertineret. Alias ad majorem partem, vel totam congregationem Episcoporum et Praelatorum et Principum secularium pertinere credo. Et quicquid illi egerint in hac causa, quasi fides est tenendum.

"peasants and workmen and anybody and everybody, even the least faithful, must join forces, and, if need be, expose themselves to death for the safety of the whole flock." [1] The difficulties are great. "I do not say that the Universal Church can be united," the writer concludes, "but I say that we must work for its union." [2]

This wide vision, which was shared by many contemporaries, had to be sacrificed for a more immediate and more practical question, "since the executive power and authority in the Apostolic Church is greatly hindered on account of those who strive over the Papacy." [3] The Apostolic Church must be united first. To this less pleasant and more elementary task the writer sets himself with his usual vigour by investigating the basis and use of the Papal power. Laws are made for the common good. Church Laws are made for the good of the whole Church. If a King can be deposed for the good of the State, "much more must a Pope or a Prelate, who was set up by the election of Cardinals, be deposed" for the good of the whole Church.[4] "It is a hard thing to say that the son of a Venetian Fisherman should retain the Papacy to the detriment of the whole ecclesiastical Commonwealth, to the wrong of so many Kings, Princes, and Prelates, and that he should be the cause of so many divisions and scandals, which cannot continue without great danger to souls, or that he should possess the sanctuary of God, as an heir to it, because of his election." [5] The truth is that

[1] von der Hardt, I. iv. 72. Rustici et laboratores, et quicunque quantumcunque etiam minimi fideles, debent occurrere, et morti, si oporteat, se exponere pro totius gregis salvatione.

[2] *Ibid.*, I. iv. 72. Nec dico ecclesiam universalem posse reuniri . . . sed dico quod pro ejus unione sit laborandum.

[3] *Ibid.*, I. iv. 73. Quia executio potestatis et auctoritatis ejusdem, quae est in Eccles. post. impeditur valde propter contendentes de Papatu.

[4] *Ibid.*, I. iv. 75. Multo magis unus Papa unus Praelatus est deponendus qui per electionem Cardinalium fuit institutus.

[5] *Ibid.*, I. iv. 75. Durum enim est dicere quod filius unius Veneti piscatoris papatum debeat tenere cum detrimento totius reipublicae

the Papacy, as well as the Pope, is fundamentally unsound. It needs limiting and checking in its power. "Think, my brother," the writer continues, "by how much fraud and cunning many things were done and written in old time to uphold this dignity." [1] "Some ancient Popes took to them clever men, full of malice, and not having God before their eyes, and made use of many laws for their own ends . . . and had no care for the good of the whole." [2]

"Who made those books named Sext and the Clementines? Arrogance, Pride . . . harmful disparagement of the Roman Emperors and the dangerous suppression of their power and of that of others . . . Men must obey no less the earthly king in those things which belong to the laws of the Empire than the spiritual Monarch in those things which belong to God." [3] The Pope is "a man of men, mire of mire, sinner and sinful, two days previously the son of a poor rustic. He is raised to the Papacy. Is this Angelo made impeccable, made holy without any penitence for sin, without confession, without contrition of heart?" "Who made him holy? Not the Holy Spirit, since position is not wont to draw down the Holy Ghost, but only the Grace and Love of God." [4] History shows that Popes were not always

Ecclesiasticae cum injuria tantorum Regum, Principum et Praelatorum et quod sit causa tantorum discordiarum et scandalorum et quod absque animarum grandi periculo non procedant, et quod propter unam electionem haereditarie debeat sanctuarium Dei possidere.

[1] von der Hardt, I. iv. 76. Perpende, mi frater, quanta fraude, quanta astutia, temporibus antiquis fuerint facta et scripta quamplurima ad tenendam hanc dignitatem.

[2] *Ibid.*, I. iv. 77. Aliqui antiqui, qui cum multis viris peritis, imo in malitiis imbutis, Deum non habentes prae oculis, multa jura sibi usur parunt . . . et de republica non curarunt.

[3] *Ibid.*, I. iv. 77. Quis fecit illos libros, sextum, et Clementinas? Arrogantiam, superbiam, . . . Imperatorum Romanorum injuriosam detractionem, et eorum aliorumque potestatis periculosissimam suppressionem . . . Quia non minus terreno Principi in his, quae ad jura pertinent imperii, quam spirituali, in his, quae ad Deum spectant.

[4] *Ibid.*, I. iv. 77. Homo de homine, limus de limo, peccator et peccabilis, filius ante duos dies pauperis rustici.

spiritual, but in many cases their acts were worldly, contentious, carnal, and temporal, following the actions of men, who can change, reject, buy, sell, smite, slay, commit adultery, steal, rob, betray, deceive, bear false witness, slander, defame, fall into heresy, and commit other misdeeds, crimes, and contentions as even are done by non-Priests." [1] The Pope can err and can be judged; he may be "the son of perdition, simoniac, avaricious, liar, collector of taxes, fornicator, proud, pompous, and worse than the devil." [2] Christ's teaching is clear. "*If thy brother sin against thee, etc.*" "Since therefore the Pope is my brother and my neighbour by nature and in the Faith of Christ, regenerate by the same sacraments, redeemed by the same Passion, he must be corrected by the method which Christ commanded," [3] and the decree must not be kept which says, "The Pope is to be judged by no one" (Papa a nemine sit judicandus). Nay, if common "service requires him to cede, I say that he must not only cede, but even die for the safety of the common good." [4]

The Council of Constance is justified. It has power to deal with the Popes as they deserve. Cession must be obtained from them, by force, if need be. "When therefore it is asked which way shall be taken in the future General Council that peace may be given to the Church, and one flock and one Shepherd may be found, indeed we must proceed first of all by the way of justice . . . then as a last resort by any method." [5] "And after about five or six years

[1] See head of Chapter IX.

[2] Filius perditionis simoniacus avarus mendax exactor fornicator superbus pomposus et pejor quam diabolus.

[3] von der Hardt, I. iv. 78. Cum ergo Papa sit meus frater et proximus in natura et in Christi fide, eisdem sacramentis regeneratus, eadem passione redemtus, corripiendus est juxta processum precepti Christi.

[4] *Ibid.*, I. iv. 79. Si . . . utilitas communis requirit ejus cessionem: non dico solum cessionem, sed et mortem, pro salvatione boni communis.

[5] *Ibid.*, I. iv. 81 f. Cum igitur quaeritur; in futuro generali Concilio quae via tenebitur ut pax Ecclesiae detur, et unum ovile et unus pastor

another General Council might be held where . . . a fuller reform can be undertaken." [1]

The question of the Convocation of the Council needs discussion. The Cardinals are not in the position of the Cardinals at Pisa. The Pope cannot convoke it. "If the true Pope by Law, namely, John, should call the Council and wish to preside in it, who would dare to resist his wishes?" [2] When it is a question of the "reform of a Kingdom or of a Province, or of the destruction of heresy, or of the defence of the Faith, then the Pope, with his Cardinals, can call a Council"; [3] but when it is a question of the deposition of the Pope, or of the limitation of his power, or of a reproof against him, then someone else must call it. "This in the first place belongs to the Bishops, the Cardinals, Patriarchs, Secular Princes, Communities, and the rest of the Faithful" (Episcopos, Cardinales, Patriarchas, Principes seculares, Communitates et reliquos fideles), but especially to the Emperor or King of the Romans. The coercive power (potestas coactiva) of the Emperor meets the need. "The valiant and Catholic Emperor or King of the Romans, who by his coercive power, together with the favourable help and good will of Kings and Princes, and even of Prelates and the general body of Christians . . . may offer a remedy . . . against the said Angelo and Peter." [4] "Ancient history records that

inveniatur? Revera ante omnia procedendum est via justitiae . . . saltem tunc modis omnibus procuretur via cessionis.

[1] von der Hardt, I. iv. 82. Post usque ad quinque vel sex annos fieret aliud generale concilium ubi . . . plenior reformatio . . . fieri posset.

[2] *Ibid.*, I. iv. 86. Si verus Papa secundum jus, scilicet dictus Dominus Johannes, convocet Concilium et voluerit in eo praeesse, quis erit ausus ejus voluntati resistere.

[3] *Ibid.*, I. iv. 88. Ubi vero agitur de alicujus regni aut provinciae reformatione de haeresium extirpatione de fidei defensione, tunc ad Papam cum suis Cardinalibus pertinet concilium convocare.

[4] *Ibid.*, I. iv. 97 f. Strenuus et catholicus Imperator vel Rex Romanorum qui per potentiam coactivam una cum favorabili assistentia et concordi voluntate Regum et Principum ac etiam Ecclesiasticorum, Praelatorum,

all schisms formerly in the Roman Curia were decided by the Emperors and Kings of the Romans." [1] "Many General Councils on these and other difficult questions of the universal Church . . . have been called by the authority of the Emperors or Kings themselves." [2] Otto I, on the advice of the Clergy and Prelates, deposed John XII, and "there are other examples of such cases." The two-sword theory that the spiritual and temporal powers reside in the Papacy is false because Christ is the Source of both Powers, and delivers one to the Emperor and the other to the Pope. The conclusion is clear. "It seems to me", the writer adds, "that we have a singular refuge and remedy for the unity of the Church in that the King of the Romans . . . should call the future Council and there preside as defender of the Church and find means and ways by which the sacred flock of the Lord may be reunited." [3] Let the Popes remember that Pilate was given power over Christ, and therefore "whosoever resisteth the power resisteth the ordinance of God; since Christ gave the command 'Render to Caesar the things that are Caesar's, and to God the things that are God's' ". [4]

An emergency may arise in which the Emperor cannot call the Council—but if at all possible he must do it "under pain of mortal sin and eternal punishment" (sub poena peccati

nec non communi populi Christiani, remedium . . . contra eosdem, Angelum et Petrum . . . apponat.

[1] von der Hardt, I. iv. 99. Veteres quippe tradunt historiae, quod omnia schismata olim in Romana Curia orta, per Imperatores et Reges Romanos . . . fuisse decisa.

[2] *Ibid.*, I. iv. 99. Multa etiam generalia concilia, super illis et aliis arduis negotiis universalis Ecclesiae . . . ipsorum, Imperatorum seu Regum autoritate . . . convocata.

[3] *Ibid.*, I. iv. 101. Mihi videtur singulare refugium ac unionis remedium quod Rex Romanorum . . . futurum Concilium debeat convocare, et ibidem defensor Ecclesiae presidere et modos ac vias invenire quibus sacrum ovile Domini valeat redintegrari.

[4] *Ibid.*, I. iv. 104. Sic ergo qui potestati resistit Dei ordinationi resistit Quia Christus mandat: *Quae sunt Caesaris, reddenda sunt Caesari et quae Dei, Deo.*

mortalis et gehennae perpetuae). The emergency may, however, be unavoidable; then "I say that it pertains to the Kings and secular Princes as of France, England, Hungary, Sicily, Spain, Burgundy, Bavaria, Austria, etc." [1] And in the last resort "it may fall on citizens and peasants up to the least old woman." "For as the Universal Church may be saved in the least old woman, as happened in the time of Christ's Passion, since it was preserved in the Blessed Virgin, so for the salvation of the Universal Church the Convocation of the Council may be made by the least old woman." [2]

There is no doubting the work of the Council. "The Pope must obey such a Council in all things. Such a Council can limit the Power of the Pope, since . . . as it represents the Universal Church, the keys of Binding and Loosing are committed to it . . . it can abrogate Papal Laws . . . from it there is no appeal. . . . It can elect, deprive, depose a Pope. . . . It can establish new laws and deeds, and abolish old ones. The constitutions of such a Council with its statutes and rules are immutable and indispensable." [3]

Before leaving this strange treatise we must emphasize some points outside its main argument. Its strangest feature is without doubt its nascent Calvinism. On the one hand,

[1] Dico ad Reges et Principes seculares ut pote Franciae Angliae Hungariae Apuliae Hispaniae nec non Burgundiae et . . . Bavariae Austriae.

[2] von der Hardt, I. iv. 119. Ad cives et rusticos post, usque quo deveniretur ad minimam vetulam. Sicut enim universalis Ecclesia potest salvari in minima vetula, sicut factum est tempore passionis Christi, quia est salva facta in virgine beata; sic ad salvationem universalis Ecclesiae posset convocatio concilii fieri per minimam vetulam.

[3] *Ibid.*, I. iv. 87. Tali enim concilio ipse Papa in omnibus tenetur obedire. Tale Concilium potest potestatem Papae limitare. Quia tali concilio cum repraesentet Ecclesiam universalem claves ligandi et solvendi sunt concessae. Tale Concilium jura Papalia potest tollere. A tali concilio nullus potest appellare. Tale Concilium potest Papam eligere, privare et deponere. Tale Concilium potest jura nova condere, et facta ac antiqua destruere. Talis etiam Concilii constitutiones statuta et regulae sunt immutabiles et indispensabiles.

the writer is a firm believer in the Papacy as an institution kept in due subordination to the General Council, and he adheres faithfully to the seven sacraments and to the hierarchy of the Church; but what can we make of such passages as the following? "Supposing that the Church Universal, of which Christ is the Head, has no Pope, a faithful person, still faithful at death, and being in charity, would be saved." [1] "The Apostles in framing the Creed did not say, 'I believe in the Holy Pope', since the faith of the Universal Church is not in the Pope; for he is a solitary individual, and can fail. But they said, 'I believe in one Holy Catholic Church', that they might show what the Church is on account of many who say and have said that the wicked, however bad they are, are part of the Apostolic Church, but are not in the Catholic Church, which is the Communion of Saints." "Since it is certain that those who are in mortal sin are neither in the Church nor of the Church, which is rooted in love." [2] "A faithful Christian is saved in the Unity of the Holy Catholic Church, though he may not keep the unity of the Apostolic Church, over which, and concerning which, the Popes are striving for the Papacy." [3] These passages, together with the dual conception of the Church at the opening of the treatise, are strangely akin to the teaching of Wycliffe and Huss; but who would have expected to find them in a treatise of a

[1] von der Hardt, I. iv. 85. Nam dato, quod ecclesia universalis, cujus Christus caput est, nullum Papam haberet, adhuc fidelis decedens in charitate, salvus fieret.

[2] *Ibid.*, I. iv. 86. Apostoli symbolum componentes non dixerunt: Credo Sanctum Papam . . . quia fides universalis Christi non est in Papa. Nam singularis persona est, et deficere potest. Sed dixerunt: Credo unam Sanctam Ecclesiam catholicam; et ut definirent, quid sit Ecclesia, propter multos, qui dicunt, et dixerunt, quod mali quantumcunque etiam sint in Ecclesia Apost., non tamen sint in Ecclesia cath., quae est sanctorum communio . . . fundata in charitate.

[3] *Ibid.*, I. iv. 86. Salvatur enim fidelis christianus in unitate sanctae Ecclesiae cath., licet non teneat unitatem Ecclesiae Apost., super qua et de qua litigant de papatu contendentes.

writer otherwise so orthodox, and in a treatise which helped to prepare the way for a Council which condemned Huss to burning?

The question of Reform on which the Council of Constance was expected to legislate is raised especially in connection with the relation of the Bishops to the Pope. There are some startling words on the subject. The writer condemns "many High Pontiffs . . . for depriving the lower Bishops of Power and Authority given to them by God and the Church. The Bishops of the Primitive Church were equal in Power with the Pope . . . but at last their power and authority . . . seemed to be undermined and destroyed." "So that now in the Church they appear to be nothing more than painted and useless images." [1] The attack on Simony and Reservations is a characteristic mark of all the works of the time, and the practical reform of these evils was part of the programme set down for the forthcoming Council.

Again, it is instructive to notice the great similarity between the "Acta" of the Council and the theories expressed by d'Ailly, Gerson, and the author of *De Modis*. As the similarity is so much more pronounced than was the case with the Council of Pisa—owing largely to the new spirit of restraint—we shall find it helpful to place the important passages of the "Acta" side by side with parallel passages from the Conciliar writers.

"ACTA."	CONCILIAR WRITERS.
(1) The Need of Frequent Councils.	
Statuimus decernimus atque ordinamus ut amodo concilia generalia celebrentur ita quod	Expediens et necessarium, ut saepius quam hactenus factum, sit Generalia concilia celebren-

[1] von der Hardt, I. iv. 109. Privando inferiores episcopos potestatibus et authoritatibus eis a Deo et ecclesia concessis. Qui in primitiva ecclesia aequalis potestatis cum Papa erant . . . tandem . . . potestas et autoritas . . . quasi videtur exhausta et totaliter diruta. Ita ut jam in Ecclesia non videantur esse nisi simulacra depicta et quasi frustra.

primum a fine hujus concilii in quinquennium immediate sequens, secundum vero a fine illius immediate sequentis concilii in septennium et deinceps de decennio in decennium perpetuo celebrentur.—Hübler, pp. 118–19.

tur (d'Ailly, *Tract. de Ref.*, du Pin, ii. 904). Nec erit in posterum perniciosior pestis in Ecclesia quam omissio generalium Conciliorum et Provincialium.—Gerson, *de Potest. Eccles.*, du Pin, ii. 237.

Ecclesia non habet efficacius medium ad generalem sui ipsius reformationem, quam si statuatur generalium Conciliorum continuatio, celebrationem Provincialium non omittendo.—Gerson's Sermon, March 23, 1415, du Pin, ii. 206.

(2) Emperors and Kings to be Present.

Nec non imperator ceterique reges et principes vel personaliter aut per solennes nuncios tamquam ad commune incendium exstinguendum per viscera misericordiae domini nostri Jesu Christi ex nunc exhortati concurrant.—Hübler, p. 120.

Multa etiam generalia concilia, super illis et aliis arduis negotiis universalis Ecclesiae in diversis partibus et distinctis temporibus habita sive facta . . . quandoque interessentibus personaliter eisdem Imperatoribus et regibus, convocata.—von der Hardt, *de Modis*, I. iv. 99.

(3) Other Members of the Council.

Praelati et alii qui ad concilium solent convocari accedere teneantur.—Hübler, p. 119.

According to Canon Law the right of vote belonged to the clerical orders alone. Lay people had a seat, but no decisive vote. At the Council of Constance the Party of reform altered this so that the Deputies of Princes, Towns, and Universities took an active part in the decrees of

Concilium generale sic describi potest; Concilium generale est aggregatio legitima auctoritate facta ad aliquem locum, ex omni statu Hierarchico totius Ecclesiae Catholicae, nulla fideli persona quae audiri requirat exclusa, ad salubriter tractandum et ordinandum ea quae debitum regimen ejusdem Ecclesiae in Fidei et moribus respiciunt.—

the Assembly (i.e. within the voting by nations); see Creighton for details, i. 319.—Hübler, p. 119, n. 3.

Gerson's Sermon, March 23, 1415, du Pin, ii. 205.

Nullae personae catholicae etiamsi sint schismaticae ab hac congregatione sint exclusae, non tamen specialiter sunt vocatae infimae aut ignorantes personae.—d'Ailly, *De Offic. Imper.*, von der Hardt, i. 443.

(4) Relation of the Pope to the Council.

Concilium generale faciens et ecclesiam catholicam repraesentans potestatem a Christo immediate habet cui quilibet cujuscunque status vel dignitatis etiamsi papalis existat obedire tenetur in his quae pertinent ad fidem.—Decree of the Fourth Session, von der Hardt, iv. 98. March 30, 1415.

Ecclesia vel generale concilium eam repraesentans est Regula a Spiritu sancto directa, tradita a Christo, ut quilibet cujuscunque status etiam papalis existat, eam audire ac eidem obedire teneatur; alioquin habendus est ut ethnicus et publicanus.—Gerson's Sermon, March 13, 1415, du Pin, ii. 205.

What a similarity in wording! It looks as though Gerson's Sermon, or even Gerson himself, had something to do with the framing of this great decree.

(5) Reforms.

Bishops, Benefices, Simony, etc.

Praesentibus statuimus et ordinamus invitorum episcoporum et superiorum translationes absque magna et rationabili causa . . . non debere inferiores vero ut Abbates aliique perpetuo beneficiati absque justa et rationabili causa cognita immutari amoveri seu privari non debeant.—Hübler, p. 126.

Cum per Papam facta reservatio et exactio et perceptio

Neque (sc. S.P.) velit usurpare contra naturam singularis membri omnia officia membrorum . . . concernit hoc collationem Beneficiorum multiplicatem exemptionum odiossimam reservationem praeterea tot casuum tot excommunicationum in Foro conscientiae evocationem tam facilem omnium causarum ab Ordinariis, etc.—du Pin, ii. 246 f.

procurationum ordinariis et aliis inferioribus praelatis debitarum ratione visitationis necnon et spoliorum decedentium praelatorum aliorumque clericorum gravia ecclesiis monasteriis et aliis beneficiis ecclesiasticisque personis afferant detrimenta praesenti declaramus tales per Papam factas reservationes ac par collectores . . . de cetero nullo modo fieri seu attentari, etc.—Hübler, p. 127.	Rapaces reservationes beneficiorum . . . nunquam visae fuerant imo nec auditae . . . in primitiva ecclesia.—von der Hardt, I. iv. 110. Jam bonorum morum est dissipatio imo oblivio: quia simonia, avaritia, beneficiorum venditio, tyrannia et exactio regnat, quasi de consuetudine approbata in populo ecclesiastico.—von der Hardt, I. iv. 73.
The Cardinals.	
Statuimus ut deinceps numerus cardinalium S.R.E. adeo sit moderatus quod nec sit gravis ecclesiae nec superflua numerositate vilescat. Qui de omnibus partibus Christianitatis proportionabiliter quantum fieri poterit assumantur ut . . . aequalitas regionum in honoribus ecclesiasticis observetur.—Hübler, p. 128.	Esset statuendum quod de caetero major pars Cardinalium non possit assumi de uno regno sive de una natione . . . sed ut de diversis regnis et provinciis indistincte juxta personarum merita assumantur.—d'Ailly, *Tract. de Reform.*, du Pin, ii. 906 ff.

It would be possible to lengthen this list of quotations very considerably by entering into the various reforms suggested by d'Ailly in his *Tract. super Reform.*, which he re-edited at the Council of Constance. But sufficient has been given to show that the official documents and decrees of the Council burn with the glowing thought of men like the writers which we have considered. There is a little hardening in the process, but that is due to the official nature of the "Acta."

There can be no doubt that the conclusion of nearly forty years of strenuous thought was to bring about a revolution in the conception of the relation of the Papacy to the Church.

After such an ordeal we cannot wonder that "Gallicanism" took a permanent place in the life of the Church, and that the way was well prepared for the Reformation itself.

Meanwhile it is important to consider the origin of the new ideas which so completely transformed the views of the most moderate Catholics of the time.

CHAPTER IX

THE BACKGROUND OF THE CONCILIAR MOVEMENT

Non omnes enim eorum (sc. presbyterorum episcoporum et diaconorum) actus spirituales sunt, nec dici debent, quinimo ipsorum sunt multi civiles actus contentiosi, et carnales seu temporales. *Possunt* enim ipsi *mutuare, deponere, emere, vendere, percutere, occidere, furari, moechari, rapere, prodere, falsum testimonium perhibere, diffamare, in haeresim cadere, caeteraque committere scelera, crimina, et contentiones, quemadmodum etiam a non sacerdotibus perpetrantur.*—Goldast, *Defensor Pacis*, Marsiglio of Padua, ii. 192.

Fuerunt, enim multi eorum (sc. Paparum) ut legitur *in chronicis*, non penitus spirituales, sed eorum *actus civiles, contentiosi, et carnales ac temporales*, sequentes actus hominum, qui *possunt mutuare, deponere, emere, vendere, percutere, occidere, moechari, furari, rapere, prodere, decipere, falsum testimonium perhibere, detrahere, diffamare, in haeresim, cadere, caeteraque committere scelera, crimina et contentiones, quemadmodum etiam a non sacerdotibus perpetrantur.*—von der Hardt, *De Modis*, I. iv. 77 f.

Doctrinam indoctam damnatae memoriae Marsilii de Padua et Johannis a Ganduno quorum liber perfelicis recordationis Johannem Papam XXII praedecessorem nostrum reprobatus exstitit et damnatus.

Fasciculi Zizaniorum, p. 243, from the Bull of Clement VII.

A COMPARISON of the current ecclesiastical thought of the later days of the Great Schism with that of the times before the outbreak reveals the fact that a Revolution had taken place. It is obvious from the most casual review of the growing novelty of thought between 1380 and 1415 that some new source of supply was being quietly drawn upon. Take, for example, the opinions of orthodox teachers in the early fourteenth century:

Solus Papa dicitur esse Vicarius Dei quia solum quod ligatur vel solvitur per eum habetur solutum et ligatum per ipsum Deum. Sentencia igitur Pape et sentencia Dei una sentencia est sicut una sentencia est Pape et adjutoris ejus. Cum igitur appellatio semper fiat a minore judice ad superiorem sicut nullus est major seipso ita nulla appellatio tenet facta a Papa ad Deum quia unum Consistorium est ipsius Pape et ipsius Dei cujus Consistorii Claviger et Ostarius est ipse Papa.—Augustinus Triumphus, *Summa de Potest. Eccles.*, vi. 1, 1324–8.

Papa super omnia etiam generalia concilia est et ab ipso ipsa recipiunt jurisdictionem et auctoritatem et licentiam congregandi se . . . omnis creatura per eum valet judicari et ipse a nulla in terris etiam universali concilio.—Alvarus Pelagius, *De Planctu Ecclesiae*, i. 6, 1330–2.

Christus utroque gladio usus est sed constituens Petrum suum Vicarium non divisit ei jurisdictionem quam habebat verum intelligitur concessisse sibi eam plenarie . . . Papa Vicarius non puri hominis sed Dei est sed Domini est terra et Plenitudo ergo et Papae. Sicut unus Deus et una fides et unus Dei Vicarius sicque et una jurisdictio primaria capitis a qua omnis jurisdictio necesse est ut emanet.—Alvarus Pelagius, *De Planctu Ecclesiae*, i. 6, 1330–2.

And contrast these statements with those of the orthodox teachers of the Councils of Pisa and Constance.

Potestatis plenitudo est in papa (tamquam in principali ministro per quem haec potestas explicatur) ita tamen quod non errat sed cum errat habet corrigere Concilium apud quod . . . est plenitudo potestatis tamquam in fundamento. Neque in hoc potest Papa per suas constitutiones vel alio modo facere resistentiam quia hoc esset subvertere ecclesiam.—Franc. de Zabarellis, *De Schism*, 1406. Schardius, p. 703.

A Christo capite et sponso ecclesiae corpus mysticum quod est ecclesia originatur et immediate potestatem habet et autoritatem ut ad suam unitatem conservandam rite valeat seipsam ad generale Concilium ipsum repraesentans congregare, patet ex illo verbo Christi Mt., 18–20 . . . non solum autoritate Christi sed etiam communi jure naturali praemissam potestatem habet corpus mysticum ecclesiae Dei.—d'Ailly, *Props. util. ad exstinct. Schism*, du Pin, ii. 112.

Can we say that the change which the above quotations indicate is wholly due to the difficulties of the Schism and

to the entirely new situation? Not quite. The passages which stand at the head of this chapter seem to give us a clue to the mystery. What a strange similarity there is between them! The most important phrase is *in chronicis*,[1] which at first sight suggests that the two passages are from one source. But Goldast has not adopted his usual method of placing the passage in italics; nor, indeed, has von der Hardt. And if they are taken from the same "historian", why are they not alike in point of application and in sequence of words? One deals with the actions of "priests, bishops, and deacons"; the other with the actions exclusively of Popes. There is also a rearrangement of word sequence as well as an insertion of *decipere* and *detrahere* in the Conciliar writer. It looks as though *in chronicis* is a vague reference to the *Defensor Pacis* of Marsiglio of Padua, whom the bold writer of the *De Modis* was quite willing to copy in support of his attack on the absolute supremacy of the Pope.

The strange likeness of these passages leads us at once to a detailed investigation of the writings of the earlier period in the works of Marsiglio of Padua and William of Ockham. and to a comparison of the statements of the Conciliar writers with these early fourteenth-century opponents of the absolute supremacy of the Papacy. The passages on pp. 168 ff. will be sufficient to indicate the similarity of the views of the two periods.

These extracts make it quite evident that the works of Marsiglio and Ockham were known and read during the period of the Great Schism of the West, and that at least one writer had turned to the controversy between the Pope and Emperor in the early fourteenth century for a solution of the difficult problem of the Church in the early years of the fifteenth century. For this reason a brief review of the controversy and of the chief works which it produced is

[1] Dr. Ernest Barker was kind enough to suggest to me that the common source might prove to be Orosius, but I have searched diligently in vain.

Marsiglio's *Defensor Pacis.*	Ockham's *Dialogus.*	Niem's *De Modis.*
(1) The Nature of the Church.		
Universitate fidelium credentium et invocantium nomen Christi omnibus qui invocant nomen Domini nostri Jesu Christi.—Goldast, ii. 191.	*Omnes fideles unum corpus* multi unum corpus sumus in Christo.—Goldast, ii. 603.	In ista etiam *omnes fideles* in quantum fideles *sunt unum sunt in Christo* in cujus fide non est distantia Judaei Graeci Domini et Servi.—von der Hardt, I. iv. 70.
(2) The Coercive Power.		
Tam Christum quam ipsos Apostolos voluisse subesse atque *subfuisse, continuo coactivae jurisdictioni principum seculi* realiter et personaliter.—*Defensor Pacis,* ii. 195. "*Reddite ergo quae Caesaris sunt Caesari et quae Dei Deo.*" (Christ) Ecce quod in omnibus Caesari subesse debemus.—*Defensor Pacis,* ii. 197.	Pilatus habuit super Christum *jurisdictionem coactivam.* Imperator est ordinarius judex summi Pontificis.—Goldast, ii. 511–12.	Nec est Papa major Christo vel Petro caeterisque Apostolis quos legimus saepius *subfuisse potentiae coactivae jurisdictioni et Principum seculi.*—von der Hardt, I. iv. 78. Igitur etiam episcopi et sacerdotes juxta praeceptum *Domini reddant quae sunt Caesaris Caesari et quae Dei Deo.*—von der Hardt, I. iv. 120.
(3) The Cession Theory.		
	Assertionem Cayphae—expedit *ut unus homo moriatur pro populo ne tota gens pereat.*—Goldast, ii. 568.	Quinimo expediat semper *ut unus moriatur ne tota gens pereat.*—von der Hardt, I. i. 117.

Membrum incurabile totius corporis infectivum est pro salute corporis amputandum.—Goldast, ii. 568.

Si per imaginationem *amputari posset, homine manente, amputari citius deberet ne totus homo perdatur.*—von der Hardt, I. i. 76.

(4) Who shall Call the General Council?

Nunc autem ostendere volo ad solius humanis legislatoris fidelis superiore carentis autoritatem pertinere aut eius vel eorum cui vel quibus per iam dictum legislatorem potestas haec commissa fuerit generale concilium convocare personas ad hoc idoneas determinare ipsumque congregari celebrari et secundum formam debitam facere consumari.—*Defensor Pacis*, ii. 258.

Autoritas (convocandi) sit solius humani legislatoris fidelis seu eius autoritate principantis.—*Defensor Pacis*, ii. 266.

Verum tamen spectat principalius ad praelatos et in Divina lege peritos. Secundo spectat *ad reges et Principes et alias publicas potestates. Tertio autem spectat ad omnes catholicos viros et muliercs.*—Goldast, ii. 602.

Tempore passionis Christi tunc enim tota fides Christianae ecclesiae in matre Christi remansit.—Goldast, vi. 503.

Regulariter Concilium generale nequaquam congregari debet absque auctoritate summi pontificis.—Goldast, vi. 603.

Ad imperatorem seu . . . Romanorum Regem . . . convocationem pertinere. Then *ad reges et Principes primo post ad communitates et alios devolvetur ad cives et rusticos post usque deveniretur ad minimam vetulam.*—von der Hardt, I. i. 119.

Sicut factum est tempore passionis Christi quia est salva facta in virgine beata.—von der Hardt, I. iv. 119

Ubi vero agitur de alicujus regni aut provinciae reformatione de haeresium extirpatione de fidei defensione tunc ad Papam cum suis Cardinalibus pertinet concilium convocare; but not in cases *de Papae depositione de ipsius reprehensione de suae potestatis limitatione.*—von der Hardt, I. iv. 88.

(5) Members of the Council.

Ab universitate fidelium Christianorum autoritas haec concessa fuerit sic videlicet ut omnes mundi provinciae seu communitates notabiles secundum sui legislatoris humani . . . *viros eligant fideles presbyteros primum et non presbyteros consequenter idoneos tamen ut vita probatiores et in divina lege peritiores . . . vicem universitatis fidelium repraesentantes.* —*Defensor Pacis*, ii. 256.

Unde si aliquae provinciae nollent vel non possent *personas habentes auctoritates et vicem earum transmittere;* non minus esset concilium generale censendum. *Causae fidei non solum ad clericos sed etiam spectant ad laicos quod omnes tangit ab omnibus tractari et approbari debet.*— Goldast, vi. 603–5.

Juxta igitur antiquorum exempla convocabunt se Episcopi, *Principes seculares, communitates, et Domini ac Viri ecclesiastici, in aliquo loco idoneo et securo.*— von der Hardt, I. iv. 86.

(6) Power of Council over Pope.

General Council is inherently and always supreme. It can even arrange the form of Papal Election.

Pertinet . . . formam et modum Romanam sedem Apostolicam ordinandi seu Romanum eligendi pontificem statuere.— *Defensor Pacis*, ii. 259.

Only a heretic or criminous Pope. Ob Fidem. *Papa potest pro haeresi ab aliquo reprehendi; hoc probatur per exemplum de S. Petro quem B. Paulus . . . reprehendit multo magis Papa haereticus de Sede Apostolica per temporalem potentiam est repellendus.*— Goldast, vi. 517.

Only a heretic or criminous Pope. Ob Fidem implied throughout.

Ob Mores.

Si autem de aliquo alio crimine puta de homicidio facto consilio praecepto vel defensione commisso aut crimine laesae majestatis aut simonia vel rapina ... poterit legitime convinci poenis huiusmodi criminum est plectendus.—Goldast, vi. 601.

Ob Mores.

Si est maleficus et criminosus (sc. Papa) *saltem notorie eximatur quin propterea legislatoris coactivi judicio exemplo sui Domini.* —von der Hardt, I. iv. 79.

(7) The Force of Conciliar Decrees.

Cuius (sc. Conc. gen.) iudicium dirigente sancto spiritu ignorantia vel malignitate aliqua perverti non potest.—*Defensor Pacis*, ii. 261.

Autoritate ac ordinatione nullius episcopi . . . *posse immutari, augeri, minui, vel suspendi, aut interpretationem recipere* praesertim in arduis aut penitus revocari.—*Defensor Pacis*, ii. 261.

A tali concilio nullus potest appellare. Tale concilium potest jura nova condere et facta ac antiqua destruere.

Concilii constitutiones statuta et regulae sunt immutabiles et indispensabiles per quamcunque personam inferiorem concilio. Nec facta concilii potest Papa *immutare imo nec interpretari aut contra ea dispensare* cum sint sicut evangelia Christi.—von der Hardt, I. iv. 87–8.

(8) The Emperor and the Council.

The Emperor or the whole community in whose place he stands is "Defensor Pacis". The executive power lies with the Emperor as the constitutional representative of the People.

Reges et Principes ac nonnulli laici possunt si voluerit ad generale Concilium convenire et ejusdem Concilii tractatibus interesse.—Goldast, vi. 603–4.

Mihi videtur singulare refugium ac unionis remedium quod Rex Romanorum . . . futurum concilium debeat convocare et ibidem Defensor Ecclesiae praesidere . . . Defensor et advocatus Ecclesiae universalis. Super firmam petram justitiae firma erit nec non ad reformandum etiam ei ad unionem reducendum per dictum Romanum Imperium (quo non vigente non florebit Ecclesia) ordo habitur.—von der Hardt, I. iv. 101.

(9) Absolution.

Solus Deus peccatori vere poenitenti remittit absque opere sacerdotis praecedente vel interveniente simul.—*Defensor Pacis*, ii. 206.

Papa non remittit peccata sed solus Deus est ille qui delet iniquitates.—von der Hardt, I. iv. 136.

essential; the thoughts of Ockham and Marsiglio were part of the mental equipment of at least a section of the workers for Church Unity.

The quarrel between John XXII and Louis of Bavaria was no chance affair. It arose from an opposition of principle and not merely of passion. In a Bull dated March 31, 1317, the Pope maintained "that during the vacancy of the Empire . . . the jurisdiction of the State passes over to the Pope, to whom in the person of St. Peter God gave both the temporal and the spiritual powers".[1] Louis determined to have Italy, but John determined to prevent him. The Emperor had set up a form of government in Italy after his own heart. But the Pope threatened "the officers of State in Italy with excommunication if they did not resign their dignities and offices, and announced that the oath of fealty taken by their subjects was not binding".[2] Louis called Marsiglio of Padua and William of Ockham to vindicate his principles. Within two months Marsiglio, with the help of John of Jandun, "produced the most original political treatise of the Middle Ages" (1324).

Four years later Ockham supported the claims of Louis in his *Dialogus*, a more restrained work, but a work of liberal and antipapal ideas (1328).

The practical schemes of the Emperor failed. He became master of Rome for a short time; an antipope was chosen, and Marsiglio was named Papal Vicar in the city. In 1330, however, Louis had returned to Germany, and in 1336 he was a suppliant at the Pope's feet. The real significance of the quarrel lies in the theories that were propounded on the side of the Emperor.

The *Defensor Pacis* attacks the prevalent idea of the Church. "With moderns", says Marsiglio, "it is restricted to the ministers and presidents of the Church; but there is a more beautiful use of it among the Apostles and in the

[1] Riezler, p. 8. [2] *Ibid.*

primitive Church" (apud Apostolos et in ecclesia primitiva). The Church is the congregation of *viri ecclesiastici* according to the truest and most correct sense of that term (verissimam et proprissimam), namely, "all the faithful in Christ as well Priests as non-Priests, since Christ acquired and redeemed the whole by His Blood." [1] The General Council of the Church is democratic, in correspondence with the new idea of the Church, and "consists of Priests and Bishops, and the rest of the faithful".

Who has authority to summon this assembly? Precedent throws light on the question. The Council of Nicea was called by the Emperor Constantine. "Behold that by the command of the Legislator, Bishops and Priests were gathered in the aforesaid Council." [2] Other Councils were called "by the decree of the most devoted Emperors Valentinian and Marcian".[3] Therefore the authority to call a General Council does not belong to the Bishop of Rome, nor to him and his College of Cardinals. If he were "guilty of any crime on which account it might be expedient to call a Council of this sort", how could he be brought to judgment if he alone was able to call the Council? He might delay or put off (differe vel auferre) convocation under such circumstances. Not so with the "faithful legislator" (fideli legislatori), or the Emperor acting in the name of the people. Therefore the writer concludes, "we have said that it belongs to the authority of the Faithful Legislator or King." [4]

The Council has an extensive and important sphere of authority. It has power "to put in motion coercive commands

[1] Goldast, ii. 193. Omnes Christi fideles tam sacerdotes quam non sacerdotes eo quod omnes Christus acquisivit et redemit sanguine suo.

[2] *Ibid.*, ii. 259. Ecce quo jussu legislatoris congregati fuerunt episcopi et sacerdotes in concilio supradicto.

[3] *Ibid.*, ii. 259. Ex decreto piissimorum Imperatorum Valentiniani et Marciani congregata est.

[4] *Ibid.*, ii. 259. Ad fidelis legislatoris aut principis autoritatem diximus pertinere.

or to issue decrees over all without difference."[1] It rules the promotion to the Priesthood and other sacred orders. The Council or the King representing it "can inflict personal and real penalties on heretics and exact them". Moreover, the power of "arranging even the form and method of ruling the Apostolic See, or of electing a Roman Pontiff, belongs to it. Against this coercive jurisdiction of the Body of the Faithful and the King ruling on its authority ancient Popes made no appeal, "but rather besought the Emperor that such laws or rules should be given to them".[2] The Council has power over the rites of the Church. Fasts, canonizations, and similar questions all come under its cognizance, even to the appointment of the Clergy. "To the authority of no single Bishop or particular person of any College, without that of the said General Council or the Faithful Legislator, pertains power to institute or prefer persons to any ecclesiastical offices." Scripture and Reason show that it is bad for the Pope to have such powers, because Kingdoms have been ruined by controversy over benefices and tenths. Marsiglio summarizes his view of the General Council in a bold passage.

Per necessitatem sequitur ordinata et diffinita tam circa fidem sive legis evangelicae sensum, quam circa ecclesiasticum ritum sive cultum divinum et reliqua omnia per concilium generale statuta, mediate vel immediate, implicite vel explicite, aut alio quovis modo, autoritate ac ordinatione nullius episcopi aut alterius particularis collegii, concilii, vel congregationis eoque minus personae singularis cuiuscumque conditionis aut dignitatis extet posse immutari, augeri, minui vel suspendi, aut interpretationem recipere praesertim in arduis aut penitus revocari sed quae sic ordinata fuerint si ad immutandum aut simpliciter revocandum vocet necessitas evidens ad supradictum concilium convocandum debere referri.[3]

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[1] Goldast, ii. 259. Coactivum ferre praeceptum seu dare Decretum super omnes indifferenter.

[2] *Ibid.*, ii. 260. Sed pro talibus sibi dandis regulis sive legibus per Imperatores potius supplicabant.

[3] *Ibid.*, ii. 261.

There is little wonder that Marsiglio thought that Boniface's Bull, *Unam Sanctam*, was presumptuous when it concluded that "all the Princes, Communities, and individual persons are subject to the coercive jurisdiction of the Pope". Nor can we be surprised that the Emperor, "by the counsel of discreet men, appealed constantly to an early General Council and a future Pope".[1] Marsiglio had made out a case for the General Council on the basis of Scripture and of Reason.

William of Ockham holds a more moderate view of the General Council in his *Dialogus*. He turns the democratic view of Marsiglio into that of a Constitutional Monarchy, in which the Pope is supreme, but under certain restrictions. A true Pope must be treated with reverence; even before an accusation for heresy a true Pope is "superior to all in his cause". "Regularly the General Council will be called to no purpose without the authority of the High Pontiff."[2] The General Council has power directly from the Universal Church, of which it takes the place; "but a truly Catholic Pope, who desires to follow justice, has this power of convocation indirectly."[3]

Emergency, however, requires another method of Convocation. The regular method "fails in case . . . the Pope is proved a heretic and the electors fail to choose a Pope; and it cannot otherwise be arranged for without a General Council of the Church".[4] Three penalties are laid down for the heretic Pope. He must be driven out of the See by the

[1] *Flores. Hist.*, iii. 227. A quibus gravaminibus imperator consilio discretorum ad proximum concilium generale et Papam futurum constanter appellavit.

[2] Goldast, ii. 603. Regulariter concilium generale nequaquam congregari debet absque auctoritate summi pontificis.

[3] *Ibid.*, ii. 571. Sed immediate per Papam si est catholicus et desiderat sequi justitiam congregetur.

[4] *Ibid.*, ii. 601. Fallit tamen in casu qui accidit quando scilicet Papa efficeretur haereticus et electores summi pontificis negligerent Papam eligere; nec posset aliter quam per generale concilium ecclesiae provideri.

temporal power; he must be degraded from all office in the Church; and unless he returns to the unity of the Faith he is to be handed over to the secular arm, his goods at the same time being completely confiscated.

Heresies are of various kinds. Secret heresy may enslave the Pope "so that he cannot be convinced of his heresy"; in such a case he "and none other must call a General Council to purify himself". Or if open heresy is noticed to such an extent "that it can be proved by suitable witnesses and lawful proofs", the heretic Pope has still the option of calling the Council. If his heresy is notorious, as, for example, "he may preach that Christ was not the Son of the Virgin", then the Council must be called by others—by a new Pope, or by other Catholics. "It belongs chiefly to the Prelates and those skilled in divine law; secondly, to Kings, Princes, and other public Powers; thirdly, however, it belongs to all Catholics, men and women (tertio autem spectat ad omnes catholicos viros et mulieres).[1] There are also cases *ob mores* for which a Pope may be condemned—as homicide, simony, rapine, persecution, etc.; in fact, for "any crime whatever he may be lawfully convicted and punished with the penalties for such crime".[2]

The Council is composed of all the faithful. If all Christians cannot come, they can elect and send representatives, so that "those thus elected and congregated can be called a General Council".[3]

Emphasis is given to the Power of the Emperor to call the Council. "Kings and Princes and some laymen can call a General Council if they wish and witness its business."[4] Pope Nicholas says that faith is "universal and common to all, and does not belong to clergy only, but even to laymen

[1] Goldast, ii. 602.

[2] *Ibid.*, ii. 601. Vel quocunque alio crimine poterit legitime convinci poenis huiusmodi criminum est plectendus.

[3] *Ibid.*, ii. 603. Illi sic electi convenientes in unum . . . possent concilium generale appellari.

[4] *Ibid.*, ii. 603–4.

and to all Christians".[1] Constantine was present at Nicea; the Council of Ephesus was held under Theodosius; the Council of Chalcedon under Marcian. Reason also approves, "quod omnes tangit ab omnibus tractari et approbari debet". This includes women "on account of the unity of Faith of men and women which concerns all" (propter unitatem fidei virorum et mulierum quae tangit omnibus).

It would be difficult to say how far these ideas influenced the thinking men of the period. Matthias Döring says that "to trace the influence of the controversial literature of the time of Louis of Bavaria on the succeeding century would be a very useful undertaking".[2] We have seen that the influence was strong on the German reforming party, as illustrated by *De Modis*;[3] but can we be certain that the ideas of Marsiglio and Ockham had a wider range of influence? For example, could we say that it was due to the influence of these ideas that the National Councils of France turned suddenly away from the legal methods of restoring Church unity to the novel and illegal method of "Withdrawal of Obedience"? Would it be correct to say that the liberal views of the National Council of 1406 were due to Marsiglio and Ockham? Were their works as popular with the French writers as with the German? It was very well for Germans to support the claims of the Emperor against the Popes, but was it a fact that Marsiglio and Ockham had exerted such an influence that Frenchmen were willing to forgo national prejudice and support the power of the Emperor in the work of the General Council?

[1] Goldast, ii. 604. Quae universalis est quae omnibus communis est quae non solum ad clericos verum tamen ad laicos et omnes pertinet christianos.

[2] *Historisches Jahrbuch*, xi. 489, quoted by Sullivan, *American Historical Review*, 1897, vol. 2, pp. 409 ff. and 593 ff.

[3] Mr. Sullivan says, "Dietrich of Niem, in writing his *De Modis Uniendi ac Reformandi Ecclesiam* (*circa* 1410), borrowed many passages from it."

Facts are distinctly in favour of an affirmative reply to these questions. The *Defensor Pacis* was translated into French before 1363; in that year an anonymous writer translated it into Italian from the French. Gregory XI heard of a French translation in 1370, and was much grieved about it; the translator was thought to be a member of the Faculty of Theology at Paris. A Commission for the inquisition of the members of the Faculty was made at the request of the members themselves. Each member was put under oath and asked "if he had translated the book from the Latin into French; if he knew, had known, or had heard of anyone who had translated it, and if he had any suspicion of anybody having translated the book". Answers were made in the negative. A certain Richard Barbe said that he who wrote the book had translated it. This translation may have been Jandun's share in Marsiglio's work, as their names are coupled in the authorship. John of Dyodona said that he had never heard of the book. Other doctors and Masters said that they had heard from older doctors that Marsiglio and Jandun never were doctors or graduates of the Faculty of Theology. "These over-zealous denials", says Sullivan, "raise the suspicion that the learned doctors knew more about the translation than they cared to think." Marsiglio was read widely. "No work seems to have been used so much as the *Defensor Pacis*. On Gerson its influence cannot be traced distinctly. d'Ailly nowhere mentions it directly, though he used the 'Songe du Vergier', which was compiled in part from the *Defensor* . . . and in the *De Necessitate Reform.* borrowed many passages from it." [1]

There was not the same restriction on Ockham's work. We are not surprised that Marsiglio's errors were "condemned by the University of Paris".[2] But apart from certain

[1] All from Mr. Sullivan's splendid article.

[2] Bulaeus, iv. 975. Damnati quoque eius errores et Joannis de Janduno ab Academia Parisiensi.

modified prohibitions on September 25, 1339, and December 29, 1340, the University allowed a free course to Ockham's writings.

The detailed attitude of moderate men like Gerson towards the extreme position of Marsiglio is seen in a few apt quotations from Gerson's works. The *Defensor Pacis* may have influenced the German reforming party and a few extremists in Paris, but Gerson, apparently being in full possession of its contents, was moved to indignation at its general tendency. In *De Auferib.* he says, "Those people err who think that it is right that there should be many Popes, or that every Bishop is the Pope in his own diocese, or a Supreme Pastor equal to the Pope at Rome . . . and if they continue stubborn must be declared heretics as Marsiglio of Padua and certain others." [1] Again, in a sermon before the King of France he denounces those people who say that "ecclesiastics, either the Pope or others, cannot hold any temporality or Jurisdiction—as Padua and Wycliffe".[2] The work of Gerson is from end to end an attack on extremists, but more especially on those who hold up the Hierarchy to ridicule, and attack the temporalities of the Clergy.

On the other hand, references to Ockham abound in both Gerson and d'Ailly, and always in a favourable light. In fact, it is possible to see an almost verbal relationship between Ockham and all the more orthodox of the Conciliar Writers, and the following extracts are a few of the numerous parallels which illustrate this close relationship:

[1] du Pin, *De Auferib.*, ii. 211.

[2] *Ibid.*, *Sermo*, ii. 141 ff. Dicunt aliqui homines ecclesiasticos Papam vel alios non posse ullum tenere temporalitatem vel jurisdictionem sicut Padua et Vuiclef.

(1) A Heretic Pope must Submit to the Judgment of the Church.

Hoc probatur per exemplum de B. Petro, quem B. Paulus (quia non ambulabat ad veritatem evangelii) reprehendit ad Gal. ii. Ergo Papa, si fuerit de heresi diffamatus, iudicio universalis ecclesiae est subjectus. —Goldast, ii. 517.

Secundum exemplum beato Marcellino Papa qui contra fidem erravit idola adorando . . . Simachus Papa accusatus accusantium propositionibus responderet . . . item Gregorius Papa, etc.—Goldast, ii. 468–9.

Judaizabat olim Petrus per dissimulationem: Paulus ei restitit in faciem ad Gal. ii. 11. . . . Quanto fortius et rationabilius possunt duo contendentes diffamati apud bonos et gravos de schismate, de perjurio, de haeresis suspicione, compelli rationem reddere si se cognoverint innocentes.

Sic Simmachus, sic Beatus Marcellinus, sic ipse Gregorius, sic alii plures iudicium subiere concilii.—du Pin, *De Auferib.*, ii. 216.

Nonne exemplo Pauli, resistere in facie gerenti se pro Papa, liceret?—Gerson, *Trilogus*, du Pin, ii. 92.

(2) The Pope a "Brother".

Sed Papa potest pro crimine haeresis denunciari ecclesiae Christo dicente Matt. xviii. si peccaverit in te frater tuus et post si non audierit te, dic ecclesiae. Ex quibus verbis colligitur quod cum Papa censendus sit frater ipsepotest pro crimine potissime haeresis denunciari ecclesiae ergo si fuerit de crimine haeresis diffamatus iudicio ecclesiae est subiectus.—Goldast, ii. 517.

Fundatur etiam in hoc textu, nedum potestas (Matt. xviii. 18) excommunicandi, sed potestas definiendi . . . audire igitur debet Ecclesiam quilibet frater noster qui dicet ad Deum "Pater Noster".—Gerson, *De Potest. Eccles.*, du Pin, ii. 231.

Liceret praeterea accusare eum de schismate vel haeresi, tam doctrinaliter in locis publicis per Theologos et sapientes, quam secrete in correctione fraterna, cui subjicitur tanquam peccator . . . coram tota ecclesia, cui similiter subjectus est tanquam deviabilis in deviabili. —Gerson's *De Unitate*, ii. 117.

(3) Penalties on a Heretic Pope.

Concilium generale debet Papam haereticum de Apostolica Sede expellere (si aliter non poterit) per potentiam temporalem . . . secundo potest concilium generale Papam haereticum expulsum de Apostolica Sede ab omni ecclesiastico ordine degradare . . . sicut et potest ipsum curiae traderesecculari vel perpetuo carceri mancipare et omnia bona eius propria confiscare.—Goldast, ii. 605.

Sicut vim vi repellendo, liceret a rite electo in Papam substrahere obedientiam . . . liceret ipsum corporaliter incarcerare . . . liceret tandem ipsum ad cessionem compellere, vel renitentem dejicere ab omni honore et gradu, immo et vita privare.—Gerson's *De Unitate*, ii. 117.

(4) Civil Murder of the Pope.

Assertionem Cayphae . . . expedit ut unus homo moriatur pro populo ne tota gens pereat.—Goldast, ii. 568.

Membrum incurabile totius corporis infectivum est pro salute corporis amputandum.—Goldast, ii. 568.

Tu qui pastorem te nominas quantumcunque sis innocens debes pro ea (sc. ecclesia) vel salvanda vel unienda vel non graviter scandalizanda paratus esse ponere vitam propriam.—Gerson's *De Unitate*, ii. 114.

Divina Lex . . . jubens . . . oculum aut membrorum aliquod eruendum esse ne totum corpus sua contagione depravet.—du Pin, *Trilogus*, ii. 93.

(5) Members of the General Council.

Imperatores licite interfuerunt conciliis generalibus et per consequens licite possunt laici (si voluerint) conciliis generalibus interesse . . . quod etiam ratione videtur posse probari quae talis est quod omnes tangit ab omnibus tractari et approbari debet.—Goldast, ii. 603–4.

Licet enim nullae personae catholicae etiamsi sint schismaticae ab hac congregatione sint exclusae.—d'Ailly, *De Offic. Imper., etc.*, von der Hardt, i. 443.

In fide nostra si aliud determinaret illa pars sive altera in materia quae omnes tangit et quae ab omnibus debet approbari.—d'Ailly, *De Conc. gen. unius Obed.*, du Pin, ii. 26.

(6) Who shall Call the Council?

Regulariter concilium generale nequaquam congregari debet absque auctoritate summi pontificis.—Goldast, ii. 603.

Si autem nec concilium generale fuerit congregatum nec electus fuerit Papa catholicus praefatis poenis ferire Papam haereticum spectat ad collegium Cardinalium. Et si illi fuerint negligentes pertinet ad episcopum in cuius dioecesi Papa haereticus commoratur. Si autem praelati et clerici damnabiliter Papam neglexerint coercere per principes saeculares et laicos est debite expellendus.—Goldast, ii. 601.

A summo Pontifice qui solus potest Generale Concilium convocare sicut per communia positiva probatur. Quod utique regulariter verum est.—d'Ailly, *De Offic. Imp.*, von der Hardt, i. 443.

Ecclesia tam divino quam naturali jure cui nullum obviat jus positivum rite intellectum potest ad procurandum sibi Vicarium unum et certum semet congregare ad Concilium generale representans eam et hoc non solum autoritate Dominorum Cardinalium sed etiam adjutorio et auxilio cujuscunque Principis vel alterius christiani.—Gerson's *de Unitate*, ii. 114.

(7) Similar Teaching on Papal and Clerical Possessions.

In temporalibus autem (sc. Christus) dedit eis (sc. Apostolis) regulariter solummodo ius petendi temporalia pro sua sustentatione et sui officii executione et hanc potestatem sivein spiritualibus sivein temporalibus habent nunc regulariter ex iure divino successores beati Petri scilicet Romani Pontifices. Omnem autem potestem quam regulariter ultra istam habuerunt vel habent summi Pontifices ex humana conditione concessione spontanea submissione vel ex consensu expresso vel tacito autpropter impotentiam negli-

Detractio says, "Tolle tolle . . . temporalitatem omnem." Vult Detractio ecclesiasticos omnes ad illam Apostolorum et discipulorum primam paupertatem sine equis sine thesauris sine calceamentis sine possessionibus.

Adulatio says, O sacer Clere quam nihil est secularis autoritas tuae comparata! Quoniam sicut Christo collata est omnispotestas in coelo et in terra sic eam Christus omnem Petro suisque successoribus dereliquit.

Descretio answers, Inter devios errores extremos Detrac-

gentiam aut malitiam hominum aliorum vel ex consuetudine vel quomodocunque ex iure humano obtinuerunt et obtinent.—Goldast, ii. 786.

tionis et Adulationis . . . ecclesiasticos et capaces esse bonorum temporalium et multa eis ex debito non ex eleemosyna pura competere . . . Possunt ipsi denique cum divitiis alter quam Apostoli vivere conversari vel incedere pro temporum locorum et aliarum circumstantiarum varia qualitate prout sapiens judicabit.—Gerson's *De Potest. Eccles.*, du Pin, ii. 246.

Summus Pontifex cum Collegio suo ita praesidere bonis ecclesiasticis ut de eis statum habere sufficientem et decentem oporteat.—Gerson's *De Potest. Eccles.*, du Pin, ii. 246.

The result of these investigations may now be stated. Marsiglio was read and known. But his wholesale attack on the Hierarchy and his absolute subordination of the Papacy to the State, under all circumstances, made him an object of suspicion to the chief leaders of the Conciliar Movement. His influence was never quite complete, even on the German reforming Party, of which *De Modis* is the theoretical programme. "While", however, "Marsiglio in the daring of his speculation stands absolutely alone and without a successor, Ockham, in virtue of his greater conformity to the spirit of his day, not to speak of his eminence as a philosopher . . . handed down a light which was never suffered to be extinguished." [1]

The Conciliar writers pleaded the "Law of Necessity". In their need they turned to the principles which had been enunciated three-quarters of a century before, and, translating them into terms of the new circumstances of their time, they

[1] R. Lane-Poole, *Illustrations of the History of Medieval Thought and Learning*, p. 242.

made the theoretical principles of Ockham the basis of a bold, practical, and revolutionary system, by which Unity was restored to a divided Church.[1]

[1] An interesting and important line of research would be to trace the origin of the ideas of Marsiglio and Ockham, for which a good starting-point is made in Sullivan's article in the *American Historical Review*.

CONCLUSION

Die Reformation des xvi Jahrhunderts war über die kirchlichen Reformsversuche des xv principiell hinausgeschritten.

Schwab, Preface.

We may condemn as we will the violence of the Reformation, but it was a catastrophe rendered inevitable by the failure of milder methods. Cautery succeeded to physic.

Figgis, *Gerson to Grotius*, p. 43.

The interest of this period does not lie in the practical success of the movement, which was little or none, but in the ideas which animated it. Broadly speaking, it may be said that those ideas alone form the *raison d'être* of the Church of England.

Figgis, *Churches in the Modern State*, pp. 235–6.

WERE the Councils of Pisa and Constance ecumenical? Did they succeed in their aims? These are questions which have been repeatedly asked and variously answered.

If the ecumenicity of a Council depends on the Presidency of the Pope and on the Papal confirmation of its decrees, then the German Embassy was right when it told the Pisan Fathers "non meretur dici Concilium generale". And the Council of Constance, though summoned by the Pope and politely seeking the resignation rather than the deprivation of Popes, was far from ecumenical. Orthodox Catholic opinion, relying on the arguments of Canon Law, condemns Pisa as a Conciliabule, and bases the ecumenicity of a portion of the Council of Constance on the argument that "it only became legitimate when Gregory XII had formally convoked it". It would require many pages to describe the controversy which arose on this question, dividing, as it did, the Gallican from the Ultramontane schools of thought. To the historian, however, the two Councils are unique. They stand absolutely alone. Law had failed to solve the Church's problem. New circumstances required new methods. No precedent could

be found for a strictly legal way out of the impasse, so that to argue about the legality of the two Councils is beside the mark. They stand above and beyond the letter of the Law, Pisa inflamed with Passion, Constance mature with experience, in their attempt to solve what looked at first and second sight like an insoluble enigma.

The success or failure of the Councils is easy to estimate. Gerson and d'Ailly did not achieve results commensurate with the years of effort which they put into the movement for the Reunion and Reformation of the Church. Indeed, Reform in Head and Members, which d'Ailly had described as the essential condition of real unity, remained unfulfilled. The Church had to wait more than a century for it, and then it came under a flood of passion more impetuous and unrestrained than that which swept the Council of Pisa. It is true that three Popes were deposed, and that outward unity was restored to a divided and desolate Church. But the ideal of a constitutional Papacy, with a General Council meeting at short intervals to restrain the Pope and reform the Church, was stillborn. It is appalling to find that Martin V was able to revive the *plenitudo potestatis* almost at once, whereby the decree *Frequens* was reduced to a mere scrap of paper. All the arguments about the impracticability of the Council in contrast with the organized system of the Papacy revived. Ridicule regarding the disorder and indecorousness of the proceedings of an unwieldy Council was adopted by men tired of the struggle and lacking the enthusiasm of the early giants. There was no man strong enough to carry the torch which Gerson and d'Ailly had passed on. The death of these men was the death of the Conciliar Movement. Gerson became implicated in the bitter controversy over the murder of the Duke of Orleans. Exiled from his home and country,[1] he wandered through Austria and Bavaria, like one whose services had been rejected by an ungrateful world. He spent

[1] He died July 12, 1429, aged 66.

his best years in the Cloister at Lyons, where his brother was Celestine Prior, years which might have been spent in kindling the fire that was fast dying out; then, instead of a later revolution, we might have had a reformation in the Church on which all Christians could have looked with approbation. d'Ailly died nine years before. The removal of these two leaders made it possible for Aeneas Sylvius to ridicule the General Council without opposition at the Council of Basle. "We hear no more of Councils for some time—save as a threat in the regular way of diplomatic business." [1] The Council of Trent (1545–63) was the culmination of this process, for it was not a Council of the Constitutional kind described by Gerson. "It was called to flatter and not to control the Pope; to soothe and not to reform the Church." [2] In the Church of St. Maggiore at Trent is an elaborate inscription announcing that within those sacred walls "the Divine spirit spoke for the last time" (postremum Spiritus sanctus oracula effudit). On June 29, 1869, the Pope summoned another General Council to Rome (December 8, 1689). All the constitutional and federal elements for which the Conciliar writers had stood so splendidly had vanished for ever.

"In the realm of immediate fact Constance must undoubtedly be pronounced a failure." [3] But who can measure the value of the long process of thought which lay behind it? The importance of the Conciliar Movement does not lie in the Councils themselves, but in the ferment of thought which led up to and culminated in them. Everything was favourable to a long crisis; the strength of the Papacy made it impossible to unite two equally powerful heads; the ambition of the Popes themselves made for continuous division; the sacrifice

[1] Figgis, *Politics at the Council of Constance*, a paper read before the Royal Historical Society, May 1899, p. 105.

[2] *Edinburgh Review*, vol. cxxx, 1869, October, p. 297.

[3] Figgis, *Politics at the Council of Constance*, a paper read before the Royal Historical Society, May 1889, p. 105.

of religion to politics and to national policy kept open a wound which hurt the minds of the best men in the Church. The longer the breach lasted the longer and more provocative the mental agitation became. No period was more pregnant with ideas.

The abundant crop of political thought which grew out of the movement has been skilfully examined by the late Dr. Figgis in such works as *From Gerson to Grotius* and *Divine Right of Kings*. It would not be too much to say that these works are the essential equipment of any student of modern political thought, or, indeed, of any statesman engaged in the actual development of political institutions. It is somewhat of a revelation to be told that "the claim to divine Right . . . was first put forward by Imperialist and Royalist opponents to the Papacy;" [1] or that "Facts are the parents of theories far more than theories of facts." [2] And yet it was the more extreme German thinkers who transmitted the idea of the Divine Right of Kings to the Stuarts of England from its source in Ockham and Marsiglio. At the same time, paradoxical as it may appear, all those ideas of Whiggism and Federalism which are of such vital importance in the political developments of the eighteenth and nineteenth centuries find their chief inspiration within the period of the Great Schism of the West.

For ideas which influenced the later life of the Church also this period is pre-eminent. It is the Porch to the Reformation. If it does not lead directly to the work of Luther and Calvin it stands at any rate as close to it as the porch to the edifice itself. It may not be an organic part of the building; it is at least a sure entrance into it.

There can be no mere coincidence in the fact that some of the chief writers of the Conciliar Movement were Germans. Henry of Langenstein "named of Hesse, by nation a German" (dictus de Hassia Natione Teutonicus), introduced the

[1] *Divine Right of Kings*, p. 39. [2] *Ibid.*, p. 16.

chief ideas of the movement. Gerson himself acknowledges Langenstein as his precursor. "About which time", he says in referring to the opening of the Schism, "Henry of Hesse, Master in Theology, of radiant memory, wrote on behalf of the same conclusion (the Way of a General Council)." [1] If Dietrich of Niem, the German Secretary of the Papal Court, is the author of *De Modis*, he has merely developed the principles of Henry of Langenstein. But he has done it so thoroughly that we can regard *De Modis* as the programme of the Reforming Party in Germany and the preface to the Reformation.

Details of this preparation are not far to seek. Primarily the atmosphere of criticism was extensively developed. The large variety of opinion which prevailed is a sure sign of the criticism which had been evoked on all sides. The bitterness of Party spirit when Clementines refused to acknowledge Urbanists, and when either side questioned the orders and sacraments of the other, was bound to result in much questioning of heart and mind. The growing number of heresies was a mark which criticism had left on those who had forced themselves free from the prison boundaries of the submediaeval Church. It goes without saying that the critical spirit was circumscribed; it did not touch the Bible; nor had it dreamed of comparative religion or psychology in the modern sense, but it had been thoroughly aroused, never to die again.

The criticism of the Papacy had two aspects, which might be described respectively as the Constitutional and the Federal. The movement was from beginning to end an attempt to limit the despotism of the Papacy in relation to the Bishops and other clergy on the one hand, and in relation to the whole Church on the other. Both aspects are summar-

[1] du Pin, ii. 126. *Propositio coram Anglicis*—circa quod tempus scripsit pro eadem conclusione clarissimae memoriae Magister Henricus de Hassia M. in Theologia.

ized by Nicholas of Cues in a bold sentence. "The Pope is not universal bishop, but chief over the other bishops, and we base the force of the Sacred Councils not on the Pope, but on the consent of all." [1] The references to the Papal usurpation of the office of the lower Bishops and of the other clergy are not so frequent as the references to the power of the whole Church in relation to the Pope; they are, however, plentiful and emphatic.

The Federal attack on the Papacy arose out of the growing sense of nationality in Europe. "It was the assertion of the national spirit against mere cosmopolitan centralization." [2] The claim for the reform of the Cardinalate was based on the idea "of federalism in the Church preserving the unity of the whole while securing the independence of the parts".[3] The Cardinals are no longer to be the Italian entourage of the Pope, but national leaders.

The most damaging event of the Schism on the prestige of the Pope was the reign of Episcopacy during the Withdrawal of Obedience (1398–1403). The event is unique in the history of the Pre-Reformation Church. Bishops functioned as they do in our own Church; the diocesan bishop had at last come into his own. "It would be necessary", says Salembier, "to trace down our annals to the worst days of the Revolution before France would see a similar crisis and become at the same time witness and victim of so strange a situation." [4] But the criticism of the Roman Catholic historian does not alter the fact that the Reformers were dealing in the sixteenth century with a Church which had learned to function without a Pope.

With the limitation of the power of the Pope the writers of the period emphasized the importance of the power of the State. The French called on the King of France to

[1] *De Concord. Cath.*, ii. 13.
[2] Figgis, *Churches in the Modern State*, p. 147.
[3] *Ibid.*, p. 236.
[4] Salembier, p. 164.

exercise his rights; the Germans called on the Emperor; while there is no precise statement of the formula *cujus regio ejus religio*, the powers of the Prince are widely extended. A statement such as the following, for example, would have met with little sympathy before the Schism: "Nec est Papa major Christo vel Petro caeterisque Apostolis quos legimus saepius subfuisse potentiae coactivae jurisdictioni et Principum seculi."[1]

The active share of the Laity in the work of a General Council became a matter of practical policy for the first time during this period. But it was of a very limited kind. In theory, it is true, some writers went as far as the doctrinaire *Defensor Pacis. De Modis*, for instance, declared that in the last resort "the least old woman" had the power to summon a General Council if the Pope and all others in due order refused to do so. But in practice the privilege of active participation in the Council was limited to the Legates of Princes, Universities, and Towns. The best opinion of the day is recorded in the record of the discussions preparatory to the Council of Constance. "It does not seem just nor right, nor consonant with reason, to want to exclude Kings, Princes, or their ambassadors from even a decisive vote."[2] The Lay representatives were as yet an Aristocracy. Luther found it easier, however, to issue his *Address to the Nobility* because of the precedent provided by his predecessors.

The passion for Reform, which expressed itself in that trio of Reforming treatises, *Tract. super Reformatione* of d'Ailly, the *Consilium Pacis* of Henry of Langenstein, and the *De Ruina Ecclesiae* of Nicholas of Clémanges, is the fundamental source of the cleansing process which has continued in the Church ever since. Stemmed by the failure of Constance to

[1] von der Hardt, *De Modis*, I. iv. 78.

[2] von der Hardt, ii. 227. Velle excludere Reges, Principes, aut Ambasiatores eorum . . . a voce seu determinatione etiam conclusiva, non videtur justum, aequum, aut rationi consonum.

direct it into a reasonable channel, it rushed violently forth in a flood at the Reformation. Or to change the metaphor, Physic had failed and Cautery had to be applied.

The Reformation of the sixteenth century was therefore inevitable after the practical failure of the Conciliar Movement. It was neither an episode nor an accident, but sprang directly from a long and continuous process of thought. It is strange to hear otherwise well-educated people speak of the Reformation as the work of an individual. It was much more a mass movement. Humanism and the Renaissance did much to prepare the way, but nothing was comparable in effectiveness with the self-criticism of the Church herself in the years 1378 to 1417.

The importance of the period for our time is centred in the doctrine of 'Epieikeia'. There is to-day a compelling need to translate that spirit into twentieth-century terms. Such an attempt involves three things—a fervent devotion to the unity of the Church, a solemn reminder that the task is a solemn one, fraught with great and lasting consequences, and a readiness to learn from any source which may help us.

The devotion of the leaders of the Period is amazing. Many of them sacrificed honour, position, time, and means, and would have gladly given their very blood for the sake of the Church. Nothing can detract from the devotion of Gerson and d'Ailly and their partners, who passed a great part of their lives in writing ephemeral treatises and undergoing self-imposed hardships when they might have been consolidating their position as scholars and teachers of their generation. Gerson must have spent half his mortal life in visiting Popes, addressing courts, writing pamphlets, or attending Councils on behalf of the unity of the Church. It is surely a piece of autobiography when we read in his *De Unitate* a description of the motive which should inspire all workers for Unity. "The Unity of the Church in one fixed Vicar of Christ", he says, "must be so loved that the many

ills of individual people may be overlooked in order to obtain it. . . . Surely it is a law of nature that any part should offer itself in sacrifice for the good of the whole." [1] When Pisa seemed to have settled the problem of Unity by the election of a Greek as Pope, Gerson was filled with rapturous joy, as though his work had reached its glorious end. "We have one fixed Vicar now", he said in the course of a sermon. "He is a clever doctor of divinity, so that he will know the nature of the division with the Greeks. . . . He is a Greek by nationality, and a man of great experience. . . . Moreover, a General Council is to be held in three years at which the Greeks will appear." "The Emperor and his Greek subjects want this union with all their hearts." [2] Gerson had seen a vision, not only of the United Church of the West, but of a truly Catholic Church of East and West.

Future attempts to unite Rome and Constantinople were largely inspired by this sermon, with its central call to action. "Everyone, however small, has the duty of seeking peace and unity in the Church", was Gerson's expression of the passion which filled his heart, and which he wanted to spread universally throughout the whole Church, East and West.

The solemn seriousness of their task saved the Conciliar writers from impulsive haste. Only at one point were they in danger of becoming merely utilitarian; and at that point there was some excuse for them. The Council of Pisa was so hastily called under the quick change of fortune that the raw application of new remedies for new diseases can be easily understood. At most times, however, the best leaders were always clear about the difference between *Dispensatio* and

[1] du Pin, ii. 115. Unitas ecclesiae ad unum certum Christi Vicarium sic amanda est ut pro sua adeptione possint rationabiliter plurima mala singularium personarum dimitti, etc.

[2] *Ibid.*, ii. 144. Habemus modo certum quemdam et unum Papam, qui Doctor est excellens in Theologia. . . . Ipse natione Graecus est, magnae experientiae, etc.

Dissipatio, and about the absolute need of controlling the use of 'Epieikeia' by the main purpose of the Church's existence. "The end of the Church is the salvation of souls. So the doctrine of utility is sanctified and expediency loses the touch of vulgarity, which far more than his immorality repels men from Machiavelli." [1] This warning may well be taken to heart to-day, when prejudice and sentiment alike are setting up new extremes in the Church, and when our only hope is to emphasize the synthetic as against the hasty and cruel and analytical point of view. Colourless short cuts and pious cliques; easy terms for the whole Church and special terms for an elect few will not serve the greater destiny of the Church, nor bring it to its true unity.

There is something wonderfully instructive in the willingness of the great men of our period to learn both from the circumstances of their time and from the thought of the past. Every way out of the dilemma proved to be suited only to the study or the school until 1409. For a short time thought gave out before an impasse. The flight of the Cardinals to Pisa was the circumstance which opened out the possibility of peace. The Cardinals convoked the Council on the plea of necessity, and the unpopular "Way of a General Council" of the early days finally came to fruition. We need to learn that circumstances play a great part in the Providence of God. The most touching example of one who refused to hear the call of circumstance is surely that of Boniface VIII. He claimed no more than Innocent III had claimed nearly a century before; but he forgot that the rise of the nations was a circumstance with a message. The rise of the nations helped to destroy the prestige of the Papacy, because it was not considered in Papal policy as worthy of careful consideration. With the violent changes which are taking place on every hand around us, we shall need to pray for vision. The Church has no need to accommodate her message to meet

[1] Figgis, *Gerson to Grotius*, p. 64.

the demands of democracy, or of science, or of the coming *rapprochement* of the world's religions, but she must be ready to follow the wise scribe in bringing out of his treasure things new as well as old.

Nothing should win the admiration of Christians perplexed by the divisions of Christendom more than the readiness of such level-headed men as Gerson and d'Ailly to learn from the controversies of the past. They faced the very serious problem of a divided Head in the Church with 'Epieikeia' in one hand and Ockham's *Dialogus* in the other. They were ready to let go their prejudices and to use a new remedy for a new disease. If it were possible to fill our Churches with that spirit to-day we might be able to produce a *rapprochement* such as Church history has not yet known. It is quite true that the new knowledge accepted by the Conciliar writers was very limited in its scope, and it is true that Gerson was in sympathy with those who condemned Huss to the stake at Constance; but it is also true that a new spirit of inquiry was aroused, and that it has swept every corner of the Church since. We shall do well to imitate the generous outlook of the workers for unity in a day when we have learned how diverse are the aspects of truth, and how easily pride and exclusiveness produce disaster. If we are willing we may see that fuller and deeper unity for which Christians wait, and a greater diversity than the Church has yet cared to recognize.

The Church of England may look back to the Great Schism with assurance. There is no period of Church history which can revive the wavering members of our Communion like that which threw the searchlight of criticism on the Papacy for so long a time. "To the Conciliar Movement of the fifteenth century, and to its great, though not recognized, leaders, all of us must recur who have regard at once to the historic claims of the episcopate, the great tradition of the whole catholic Church, and at the same time are anxious to

see the movement constitutional and federalistic, with due regard paid to the life of the parts." [1] But we may go further. 'Epieikeia' is being carefully applied to-day, in new times and under new circumstances. The Anglican Bishops assembled at Lambeth in 1920 summoned all Christians to take part in the search for an ideal, under the pressure of the desperate condition of the Universal Church. No hard-and-fast system was laid down. The spirit of Gerson and d'Ailly is not dead; for Lambeth has called the Church to meet a complex situation by that same spirit of steady adventure which moved the great men of the Conciliar Period.

[1] Figgis, *Churches in the Modern State*, p. 147.

APPENDIX

A. SOME REMARKS ON DATING THE WORKS OF THE PERIOD

The dates given by du Pin and von der Hardt are, in the main, correct. But a few obvious mistakes, like the date of the *Protestatio Super Statum Ecclesiae* (du Pin, ii. 1, 1395), or that of the *De Modo Habendi se Tempore Schismatis* (du Pin, ii. 3, thinks it was written at "the beginning of the Schism"), or that of the *Tractatus Alius de Eodem* (du Pin, ii. 14, 1396), make it essential that the traditional dates should be verified wherever possible.

I have followed three lines of criticism, with which I will deal briefly here.

1. Internal Dating by the Year of the Schism.

As the Schism became more and more pronounced, the writers frequently adopted the habit of emphasizing the terror of the situation by mentioning the year of the Schism, e.g. Clémanges to Benedict (von der Hardt, I. ii. 25), "ruinam et lamentabilem desolationem quae schismate . . . *anno jam decimo sexto*," 1394

Gerson in a *Sermon* (du Pin, iv. 625), "Tantae enim praedicationes factae fuerunt *a tringinta annis citra et maxime a viginti quatuor annis continue*," 1408.

Also du Pin, *Sermo*, iii. 989, "videtis quomodo jam per spatium *duodecim annorum* est divisio," 1390.

The language about the evils of schism also becomes stronger as the years pass on; e.g. in 1415 Gerson speaks of "Tenebrae divisionum schismatumque, tenebrae tot errorum et haeresum, tenebrae demum horridae tot vitiorum per Ecclesiasticum corpus, vasto quodam turbine miserabiliter exundantium" (du Pin, ii. 202).

Letters and Sermons have the advantage of being dated by the date on which they were written, or by the Special Sunday or occasion on which they were preached. The Editors also have, in some cases, the benefit of the date affixed to the MSS.

2. The Prevalent "Way".

A rough estimate of the date can be made from the "way" which a treatise is written to support. The chief "ways" are dated as follows:—

1380–1393. The Way of a General Council, treated as an abstract possibility.
1393–1398. The Way of Voluntary Cession, popularized by the decision of the University of Paris after the ballot of January 1394.
1398–1403. The Way of Withdrawal of Obedience, popularized by the National Council, May 1398.
[1400–1403. There was a subsidiary movement for a "general council of this Obedience", i.e. of the Avignon Obedience.]
1403–1406. Restoration of Obedience, as decided by the National Council, May 1403.
1406–1408. The Way of Withdrawal of Obedience, as decided by the National Council, November 1406.
1408–1417. The Way of a General Council, popularized by the flight of the Cardinals to Pisa, May 1408.

There is mention made also of "neutrals" or people who became dissatisfied with the refusal of the Pope to cede in 1393. They are mentioned from 1395 onwards. By about 1400 Gerson could say, "magna pars Catholicorum est *neutra*" (du Pin, *Tract. Alius.* ii. 16).

A few examples may be given under this heading:—

Protestatio Super Statum Ecclesiae is dated 1395 in du Pin, ii. 1, but "deliberationem *generalis Concilii hujus Obedientiae* finaliter expectando" can only be true of 1400–3.

De Modo Habendi se Tempore Schismatis (du Pin, ii. 3), this is the most deceptive of Gerson's works from the point of view of date. The early part of the treatise suggests, as du Pin feels, that it was written in the early days of the Schism. But the later Way of Withdrawal of Obedience is clearly a recognized thing. "Salubrius justius et tutius est quaerere unitatem Ecclesiae *insistendo contra contendentes de Papatu; et hoc per viam cessionis utriusque vel subtractionis obedientiae, vel alterius licitae coactionis.*" This passage suggests that the date is later than du Pin supposed.

De Concilio Generali Unius Obedientiae (du Pin, ii. 24) mentions "propositiones negativas—*super materia communis Concilii hujus Obedientiae*" (1400–1403).

"Qui sibi (sc. Papae) subtraxerunt permanentes in subtractione" shows that Obedience has been withdrawn (1398–1403).

Considerationes de Restitutione Obedientiae Benedicto (du Pin, ii. 32) seeks to show how unity may best be gained.

"Aut fiet per *unionem praeviam hujus Obedientiae ad Dominum Benedictum* . . . aut *fiet per totalem destitutionem Domini Benedicti.*" "Si primum expediat fieri oportet quod restitutio sibi fiat."

It shows that Withdrawal has been continued long enough to make restoration of Obedience a possibility (towards 1403).

3. External Events.

(i) The Quarrel of Gerson with the University (1398).

Protestatio Super Statum (du Pin, ii. 1).

Accusatio praedicta nomine Universitatis (sc. contra Papam) vel "Facultatis Theologiae . . . neque fuit neque est de consensu meo, *quia etiam* nunquam *fui praesens ubi haec materia pro Facultate tractaretur.*"

(ii) The Imprisonment of Benedict in Avignon (1398–1403).

De Concilio Generali Unius Obedientiae cum detineatur (sc. Papa) *inclusus* (du Pin, ii. 24 ff.).

Consids. de Restit. Obed. Bened. (du Pin, ii. 32 ff.), propter . . . *incarcerationem Papae.*

(iii) Gerson's Sojourn in Flanders (1396–1401) (Schwab, pp. 154–5).

De Modo Habendi (du Pin, ii. 3) in Patria *Flandrensi.*

(iv) There are other events which help to confirm the traditional dates of these works which are not subject to dispute, e.g. *De Modis Uniendi*, vacancy in the Empire, 1410; *De Difficultate*, Non sit imperator—*sed vacet Imperium* (*De Diff.*, chap. i).

The passing of the British Embassy through Paris to Pisa (1408) to whom Gerson addressed his "Propositio".

It is satisfactory to know that the dates of the more important works like the *Consilium Pacis*, *De Unitate*, *De Auferibilitate*, *De Modis*, etc., are beyond dispute.

B. THE AUTHORSHIP OF "DE MODIS UNIENDI AC REFORMANDI ECCLESIAM"

As we have been interested more in the process of thought than in the persons behind it, chronology has been of more importance than authorship. But it would be impossible to leave the Period without a word on the literary problem of *De Modis*. It is a problem in which all the curiosities of the Period seem to conspire together and make up one of the most interesting investigations in literary criticism.

Hermann von der Hardt found this treatise in a MS. of the University of Helmstadt and placed it without further criticism among the works of Gerson. In describing the efforts of the University of Paris to secure a further Council after Pisa, he adds, "Quo occasione Gerson memorabile hoc anno (1410) opusculum edidit *De Modo Pacificandi Reformandi ac Uniendi Ecclesiam*", (an alternative title) "Petro de Alliaco Episcopo . . . inscriptum". (I. v. 26 ff.). He thought that the Treatise was an answer to questions raised by Pierre d'Ailly in a work presumably written to Gerson, and entitled *De Difficultate Reformationis in Concilio Universali.* du Pin took von der Hardt's verdict for granted. "Scriptus", he says, "paulo ante Concilium Constantiense ad Petrum de Alliaco Cardinali . . . et editus ex MS. Helmstadiensi in nova Concilii Constantiensis Historia quae prodiit Francofurti et Lipsiae Anno 1696" (ii. 161). Since then, until comparatively recent times, it has been unanimously regarded by Gerson's friends and foes as a work of the Chancellor. Many eminent scholars appealed to it for the liberal outlook of Gerson.[1] "Döllinger alone has expressed a suspicion of the authorship of Gerson—he says, 'the work seems rather to express the sentiments of a Wycliffite'—but without further verification of this statement."[2]

J. B. Schwab has thrown the blame for this traditional error on von der Hardt's keen desire to magnify the Reformation. But I feel that two other factors must be taken into account. The difficulty of dealing with any work of the Great Schism is due to the fact that an author may develop an entirely new set of ideas under the exigencies of the times. Another phenomenon is the strange similarity between certain passages of Orthodox writers and those of unmitigated heretics. It is easy to forgive von der Hardt when one has fallen into the literary pits provided by the Conciliar writers.

To J. B. Schwab, however, belongs the honour of making the first great critical examination of the traditional view. (Lenz disagrees with some of his opinions, but pays him this compliment.[3]) He read Gerson for his Lectures, and was impressed by the difference of outlook between *De Modis* and the other important and undoubted works of Gerson. Such passages as the following were out of harmony with Gerson's general views:—

1. Quia certum est quod existens in mortali peccato nec sit in ecclesia nec de ecclesia quae est fundata in charitate. Quomodo ergo erunt Papae in ecclesia qui litigant propter privata commoda de Papatu et sunt in mortali peccato?

[1] Schwab, p. 482. [2] *Ibid.*, p. 482. [3] Lenz, p. 5.

2. Contra Deum et justitiam sibi applicuerunt privando inferiores episcopos potestatibus et autoritatibus eis a Deo et ecclesia concessis qui in primitiva ecclesia aequalis potestatis cum Papa erant.

3. Jam in ecclesia nec videantur esse nisi simulacra depicta et quasi frustra.

A closer study of the treatise made Schwab certain of the negative side of his criticism. *De Modis* could not be the work of Gerson, because:—

1. Its "Dogmatic Views are not merely Foreign to Gerson, but in Parts entirely Contradictory to his Views".

The distinction drawn between the "Catholic" and the "Apostolic" Church (chap. ii) is not found elsewhere in Gerson; he speaks rather of the "Catholic Apostolic Church" (unam sanctam ecclesiam catholicam-apostolicam), du Pin, *Sermo*, 1415, ii. 204. *De Modis* seems to deny the essential need and permanence of the Hierarchy by insisting that the Church can be saved in the least old woman, as in the Passion of Christ (chaps. iii and xxi), but this is not in harmony with Gerson's frequently repeated belief that the Hierarchy cannot fail, and that "there will be some faithful Bishops and Priests to the end of time" (usque ad consummationem seculi episcopi et sacerdotes aliqui fideles, ii. 128). The conception of the Church as a Body of Holy People (chap. xxix), with holiness as the guarantee that the officers can function aright, is quite contrary to Gerson's view expressed in *De Auferib.*, when he attacks "certain men in our time in England and elsewhere who have assumed that all 'Dominium' and office are based on the right of Charity" (ii. 220, aliquorum nostris temporibus in anglia et alibi qui posuerunt omne dominium et dignitatem fundari in justitia charitatis). The references to the Pope in *De Modis* (chaps. xvii, xxiii, xxviii, etc.) are out of keeping with references to the Pope in Gerson's undoubted works. Far from asserting that St. Peter and the rest of the Apostles were equal in the early Church, or that the Pope might be unnecessary under certain conditions, Gerson is confident that "there must be One Chief Head—and this Head we call Pope, Our Holy Father . . . otherwise the Church would easily lapse into disunity" (esse debet unum caput summum . . . et caput hoc vocamus Papam Patrem nostrum sanctum . . . alioquin facile laberetur Ecclesia in divisionem, ii. 146). To Gerson the Cardinals are not the product of history (*De Modis*, chap. xv),

they were instituted by Christ, and any attack on their office is heretical and sacrilegious (ii. 537).

2. "The Moral Principles of the Treatise are Incompatible with those of Gerson."

De Modis preaches the Gospel that the end justifies the means. If the Pope will not cede then he must be slain (chaps. vii, xx, xxii). But Gerson fought the doctrine of tyrant-murder. He spoke before the Court in 1413, and said that if a man could save the whole world by perjury he must nevertheless remain true to his oath (iv. 671). It is true that he acknowledges certain cases in which a Pope may be imprisoned or put to death, but these are of a peculiar nature (ii. 117). "Gerson argues from the casuistic standpoint of abstract possibility, but the Tractate wants to apply its principles objectively in the concrete case of the condition of the Church after the Council of Pisa."

3. "The Political and Historical Standpoint Expressed in the Treatise and Other Features Referring to Definite Local Matters Make it Impossible to Attribute the Work to Gerson."

Can we imagine that after looking to the King of France and to the University of Paris to heal the Schism for thirty years, Gerson suddenly seeks a remedy in the "falling Roman Empire"? (in dem herabgekommenen romisch-deutschen Kaiserthume), and this, when he had asked the King of France, as late as December 1409, to take steps for Reunion with the Greeks (ii. 141 ff.). How could a Frenchman describe the Republics of Florence, Venice, and Genoa as despotisms (chap. xiv), when Florence was always bound by friendly ties to France, and when Genoa had remained in French possession until September 1409? How could a Frenchman say that those who do not obey the Emperor are to be condemned (chap. v)? How could a Frenchman mention Crusading Emperors and forget Louis the Saint (chap. xx)? "If it were written by a Frenchman, the Tractate would be an ungrateful denial of the Name and sacrifice of the Fatherland, King, and University of Paris."

There are words and phrases which make it plain that the author was living in Italy at the time of writing, and was in all probability an eyewitness of the doings of the Curia. No Frenchman could speak of the "French Cardinals resident amongst us" (aliquibus

Cardinalibus Gallicis apud nos existentibus). The references to Ribaldi (chap. xxviii), Soldati (chap. xxviii), etc., are never found in Gerson. Nor does he ever address d'Ailly in the words of *De Modis* (Vestra Paternitas—a me vestro Capellano et immerito fratre et amico) (chap. i).

Having shown conclusively that the point of view of *De Modis* is not that of Gerson, Schwab advances one step further to show that *De Difficultate* is not the work of d'Ailly. The author declares that Sigismund, King of Hungary, is unfit to rule the Empire (Rex Hungariae . . . non est aptus ad imperium regendum, chap. i), that he is too busy with other works, and is the progeny of a line noted for its weak rule. But d'Ailly is the friend and champion of Sigismund at Constance. Nor will d'Ailly permit an Emperor to call a General Council like the author of *De Modis*, nor does he show any trace of seeking the union of the divided Empire. These sentiments of *De Modis*, however, are all found in the works of Dietrich of Niem (*De Schism.*, ii. chap. xxv; iii. chaps. vii, ix). The parallels between *De Schism.* and *De Diff.* are so close that they must be regarded as the work of the same writer, and since there is nowhere found a trace of a correspondence between Niem and Gerson, we are justified in saying the *De Modis* is not Gerson's work.

Who, then, was the author? Schwab acknowledges a difficulty in coming to a conclusion. "A definite reply to this question", he says, "would demand more copious critical material than I have at my command." This confession is a prelude to the weaker side of Schwab's argument. He happens to find parallel passages to *De Modis* in the works of Andreas of Randuf, a Benedictine Abbot. The vital passage occurs in *De Modis*, chap. vii, where a quotation fron Cicero, *De Repub.*, i. 25, is taken to justify the old difference between Law and Utility. The same passage is used by Andreas. While Gerson and the French Theologians base their distinction between "Law and Utility" on Aristotle, *De Modis* and Andreas turn to Cicero for justification. *De Modis* (chaps. v, vi) is said to prove that this is no chance likeness; both *De Modis* and Andreas borrow from the *De Regimine Princ.* of Aegidius Romanus, and both cite Petrarch's *liber sine nomine.* Both also mention the historical fact that ancient schisms were decided by the Emperor, e.g.

Nemus Unionis, vi. chap. xxxi—Legitur in veteribus historiis et praecipue in gestis Pontificum. Imperatorum Regumque Romanorum quod pene omnia schismata quae in romana ecclesia erant hactenus sub imperatoribus tractata fuerunt.

De Modis, chap. xiv—Veteres quippe tradunt historiae quod omnia schismata olim in Romana Curia orta per imperatores et reges romanos fuisse decisa.

Both writers quote the example of Otto and John XII in the same words. There are also other verbal similarities.

Schwab hastens to his conclusion. "The result of this investigation is that the *De Modis* most probably belongs to the Benedictine Abbot, Andreas of Randuf." The importance of the Tractate does not lose by this conclusion. It is the work of a keen eyewitness living in close touch with the Curia and finding the secret of the Church's weakness in the complete centralization of Power in the Pope. A remedy is sought by treating the Papal Power as an historical product and dependent on the recognition of the Church rather than by a Constitutional limitation of the Power of the Pope by a General Council as Gerson desired.

The strength of Schwab's conclusion rests in his negative contribution to the problem. He was the first writer to show that *De Modis* was not the work of Gerson, and no one has done this so thoroughly since. But he was conscious of the weakness of his positive contribution. Can a strong critical conclusion be based on a few parallel passages and quotations in two works of the same liberal tendency? Otto Hartwig tried to bolster up the weakness by adding a large number of further parallel passages from Andreas.[1] "Hartwig found in a work—of 1435—not only the same passages which appeared side by side in the treatise of Andreas of Randuf and the *De Modis*, and which led Schwab to assume that the Abbot was the author of the latter, but a series of further passages which occurred only in *De Modis*; he then thought that he noticed a passage in which the author of the *Gubernaculum* referred back to one of his earlier works, and that he would find the passages which he had extracted in the *De Modis*; next he showed, in a not too questionable manner, the identity of the author of the *Gubernaculum*, who in the MS. is shown to be 'Andreas Episcopus Magorensis', with the person of Andreas of Randuf."[2] The work of Hartwig was to confirm Schwab's positive conclusions.

But the question has been carried further since then. Dr. M. Lenz acknowledges the great value of Schwab's negative results,

[1] Andreae Episcopi Magorensis Hispani, *Gubernaculum Conciliorum*, von der Hardt, vi. 139–334.

[2] Lenz, p. 6.

but makes a vigorous attack on the positive conclusion of the "Schwab-Hartwig Combine".

In the first place Lenz has shown that *De Modis* is fragmentary, and that instead of its being a reply to *De Diff.*, it requires the latter to fill up the *lacunae* within it. Schwab had not subjected *De Modis* to a thorough analysis. Lenz proceeds to do so, and finds that it consists of repetitions, gaps, and disconnected passages. In short, it is a fragment.

The opening chapters (i, ii, iii) are introductory. Chap. i, "De Publica Ecclesiae Miseria circa tempora." Chap. ii, "De Unitate Ecclesiae." Chap. iii, "De Universalis Ecclesiae conservanda unione." These chapters give the principles on which the fantastic division between the Universal and the Apostolic Church is based. But the treatise proper begins at chapter iv.

Three questions are to be answered: (1) How can the Church be reunited under One Head? (2) How may the members of the Church be reconciled? (3) What reformation will be necessary to follows preserve unity? All in chapter iv.[1]

The answer to (1) is given in chapters v, vi; to (2) in chapter vii; then follows a diversion on the Convocation (chap. viii)[2] and authority (chap. ix) of the General Council,[3] the answer to (3) in chapter x, and the Treatise seems to be complete.

However, a new series of Questions begins at chapter xi,[4] which have been partly answered before, and which are only loosely bound up with the foregoing chapters. "Between the closing words of the tenth chapter and the opening sentence of chapter xi there is no connecting link".[5] In the gap between chapters x and xiii a question has been raised about the Convocation of the Council, and the second part of *De Modis* (chaps. xiv to xx)[6] is concerned with that question. "With chapter xxi the Chaplain begins to answer a third series of questions." The procedure is entirely like

[1] Chap. v: De Pontificis Romani autoritate atque potestate. Chap. vi: De Modis loci trium malorum Pontificum unum bonum eligendi.

[2] Chap. vii: De Membris Ecclesiae universalis reduniendis. Chap. viii: De Jure Universale Concilium convocandi. Ch[a]p. ix: De Autoritate Concilii universalis supra Papam.

[3] Chap. x: De Reformatione Morum in Ecclesia per Conc. generali.

[4] Chap. xi: De Magna difficultate Concilii illius generalis convocandi per cardinales. Chap. xii: De grandi Reformationis difficultate.

[5] Lenz, p. 34.

[6] Chap. xiv: De summa Romanorum Imperatoris autoritate Concilium universale convocandi. Chap. xv: De episcoporum jure post Imper[a]torem

that of the previous parts of the Treatise. He sets down each question at the head of the chapter, and proceeds to answer each by itself. At the end of chapter xxvi the dialogue form comes to an end, and a variety of subjects, from a further attack on the Pride of the Popes to a fervent expression of hope for the work of the forthcoming Council, is discussed.

The third part raises an important question. There is something missing in the method of treatment. In the first and second parts the author gives a group of questions to hold his thought together. He appeals to them, and is able to shorten his narrative by adding "etc.". At chapter xxi "the connexion is lacking. After chapter xx there is a chasm which, by a similar arrangement as we have in chapters xi to xiii, must be filled up".[1]

Where are the missing questions? Lenz begins to examine *De Diff.* The opening chapter discusses the question of the "Convocation of a General Council for the reunion of the Church Militant and for moral reform" (convocatio generalis concilii pro militantis ecclesiae redintegratione et morum reformatione). Then follows the objection which the Chaplain seems to quote in *De Modis*, chapter i, and of which he disapproves. It is a good example of the method adopted in parts 1 and 2 of *De Modis.*

De Modis.	*De Diff.*
Cum ad praesens de facto vacet imperium et imperii electores diversis obediant utpote quidam Johanni quidam vero Angelo Corario non videtur esse verosimile quod ad invicem possint ad electionem convenire (chap. xxi).[2]	Cum actu non sit Imperator aut Rex Romanus; sed vacet Imperium atque electores Imperii quidam Johanni et alii angelo praedictis obediant et aliis diversis respectibus sint divisi (chap. i).

Lenz has found the clue. He follows it up in the remaining chapters of the third part of *De Modis*. Happily he found that *De Modis* (chap. xxiii) corresponds to the beginning of chapter ii, *De Diff. De Modis* (chaps. xxv and xxvi) answers the objections of *De Diff.* (chaps. iii and iv). These five chapters of *De Diff.* are the missing statement of method of the third part of *De Modis*.[3]

The problem, already complicated, becomes more so. The last three chapters of *De Diff.* cannot be separated from the first five. Such retrospective passages as "dicti domini Johannis", "Angelus

[1] Lenz, p. 37. [2] *De Modis*, chap. xxi. [3] Lenz, p. 38.

et Petrus praedicti", "in eodem concilio pisano", speak for themselves. These three chapters cannot be worked into *De Modis* without disturbing the sequence. The questions raised in the three chapters find no answer in *De Modis*. It looks as though more parts are missing.

At any rate the view of von der Hardt is disproved. *De Modis* and *De Diff.* are not independent works. *De Diff.* presupposes *De Modis*. The form of dialogue may be fiction. "But while we may no longer speak of the two works we cannot yet speak of one."[1] There is the awkward question of the three last chapters of *De Diff.* The colloquy is not permanent throughout; everywhere we meet gaps and repetitions; "in short, the incomplete nature of these compositions cannot be denied".[2]

Lenz proceeds to examine the positive side of Schwab's argument. A most searching examination is made of the parallels between *De Modis* and the works of Andreas (pp 46–68). The examination discloses the fact that the resemblances between Randuf and *De Modis* lack individuality. "The whole group of parallel passages in the *Gubernaculum* and *De Modis* does not contain any extraordinary and characteristically personal thoughts."[3] They are common to many writers of the time. A comparison of the *De Modis* with the works of Dietrich of Niem shows that not only are there resemblances which can be explained from the thoughts common to the Conciliar writers, but that there are other resemblances which bear "throughout the stamp of his personality" (durchaus den Stampel seiner Personlichkeit).

Again, if it is impossible to fix *De Modis* into the political outlook of a Frenchman, how can it be fitted into the outlook of Andreas of Randuf? "Can such enthusiasm (for the Empire) be less strange in a Professor of Bologna? Can we expect a cry of indignation like 'Videant igitur sibi Florentini Januenses necnon alii tyrannice occupantes et conculcantes jura et honorem imperii qualiter de hoc in extremo judicio valeant respondere' from the mouth of anyone but a German?"[4]

Again, the appearance of words like *ribaldi*, *sacmanni*, etc., in *De Modis* and in Randuf is no proof of the common authorship of these writings, nor of the Italian nationality of the author of *De Modis*. "They had already become international . . . and had passed over into the vernacular."[5]

One passage in particular is "a direct testimony to Dietrich"

[1] Lenz, p. 44. [2] *Ibid.*, p. 44. [3] *Ibid.*, p. 73.
[4] *Ibid.*, p. 71. [5] *Ibid.*, p. 75.

(ein unmittelbares Zeugniss für Dietrich). In *De Modis*, chapter x, there is a reference to a German city, and especially to Cologne (scilicet Coloniae vel in alia egregia civitate). "Dietrich of Niem had close relations with Cologne. He had estates there, and was a good friend of the Archbishop Frederick, to whom he dedicated his *Nemus Unionis*, and even went over himself in the winter of 1408."[1]

Everything seems to point to Dietrich of Niem as the author of *De Modis*, as indeed of *De Diff.* Both are fragmentary; *De Modis* requires *De Diff.* to complete its sense; the passages in *De Modis* which correspond with the thought of Andreas of Randuf are only of a general nature; while the passages which correspond with those of the thought of Dietrich are of two sorts, general and deeply personal; the passages which express his strictly personal point of view are numerous; whilst finally the historical setting also is Niem's. Schwab, indeed, did not go far enough; he cleared away the debris and laid a good foundation, but the positive contribution has been reconstructed by Lenz. The author of *De Modis* is without doubt Dietrich of Niem, a German.

The critical problem of *De Modis* is of peculiar value, because it exhibits the need of care in using the statements of du Pin and von der Hardt. Most writings of the period are of undoubted authorship, as most dates on examination prove to be correct, but a student needs to be watchful. Development must be expected in the writings of any individual under the pressure of the Schism, but it must not be taken for granted at all times, as when von der Hardt assumes that Gerson was the author of *De Modis*. Parallel passages also, though they be parallels of a liberal sort—like the expressed difference between the Catholic and Apostolic Churches, or the superiority of the General Council to the Pope, or the inviolability of Conciliar Decrees—all very common at the time—are not an indication of single authorship. They are too general in their sweep; only a deeply personal similarity of ideas will satisfy the sound critic.

One word more. If Dietrich of Niem is the author of *De Modis* and of *De Diff.*, is there not an interesting problem before the student of the Reformation? How far did the writings of this German influence the next century? I have tried to show that the Conciliar writers are actually dependent on the previous century for their novel ideas, and especially on the writings of Ockham. Does a similar relationship exist also between Niem and the Reformers?

[1] Lenz, p. 76.

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